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REPORT
OF THE
ELEVENTH ANNUAL MEETING
OF THE
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MOHONK LAKE CONFERENCE
ON
INTERNATIONAL ARBITRATION
1905

REPORTED BY MISS LILIAN D. POWERS

PUBLISHED BY
THE MOHONK LAKE ARBITRATION CONFERENCE
1905

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OF THE

ELEVENTH ANNUAL MOHONK LAKE CONFERENCE ON INTERNATIONAL ARBITRATION, MAY 31 TO JUNE 2, 1905

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PREFACE

The Eleventh Annual Meeting of the Mohonk Lake Conference on International Arbitration was held, on the invitation of Albert K. Smiley, at the Mohonk Lake Mountain House, Ulster County, N. Y., May 31 to June 2, 1905. It was attended by more than three hundred invited guests, a much larger number than had attended any previous conference. There were six sessions of the Conference. This Report contains the stenographic account of the proceedings, which consisted of papers, addresses and discussions of the present status of arbitration, of the Hague Court, of what remains to be done to secure a complete system of arbitration, of the education of public opinion, of work in the colleges and universities, of the creation of a regular congress of the nations, etc.

One copy of this Report is sent to each member of the Conference. If other copies are desired, application should be made to the Corresponding Secretary of the Conference.

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OF THE

ELEVENTH MOHONK LAKE CONFERENCE ON
INTERNATIONAL ARBITRATION, 1905.

The Eleventh Annual Meeting of the Mohonk Lake Conference on International Arbitration expresses its gratification over the advance made in the cause of the pacific settlement of disputes between nations during the past year. Numerous special treaties of arbitration have been concluded and are now in force; the Hague Convention commands increasing confidence among civilized peoples, its purpose and scope are better understood, its provisions have been resorted to with success in cases of great difficulty, as in the settlement of the North Sea incident, and we now have a confident assurance that the tribunal which it has established will become of increasing importance in maintaining the peace of the world.

The interests that contribute to the promotion of the cause are ever broadening. Those of the wage-earners are finding emphatic expression; commerce is keenly sensitive to disastrous interruptions by war, whether near or remote; the promoters of religion and philanthropy are alarmed at the hindrance of their work by every disturbance of international peace, and the sense of human brotherhood is increasingly felt and appreciated throughout the world. These signs of promise show that the long darkness of barbarism is passing away, and that the bright day of universal peace is dawning indeed.

We are highly gratified with the efforts of President Roosevelt in promoting the causes of international peace and justice, and we rejoice in his call for a second conference at The Hague. We confidently expect that many questions of international law that are now vague or undetermined will there find wise solution. We also hope that the conference will frame a general treaty of arbitration that may more effectively meet the requirements of the situation than any special treaties yet proposed have done; and we shall be gratified if the indefinite and elastic exceptions of matters of "national honor" and of "vital interests" shall be substantially modified. We earnestly hope that if such a treaty is proposed, the treaty-making authorities of our government will speedily effect its enactment

for this country. We view the treaty now in force between the Kingdoms of Denmark and The Netherlands as presenting the ideal toward which we are moving.

The evolution of the movement for universal peace clearly points to the early establishment of an International Parliament, with at least advisory powers, as a necessary agency in its fulfillment, and we renew our declarations of last year in reference to this. We feel that it is not now expedient for this conference to pass any judgment upon the plans for the organization of such a parliament beyond the necessity for the representation of all civilized nations therein.

We heartily commend the work of the Interparliamentary Union and rejoice in the zeal and efficiency of the American Group of its membership. We rejoice that so much strength has been given to the cause of international arbitration by the fact that no country has ever yet repudiated an arbitral award. We believe that the decrees of the international court will be best enforced by the power of public sentiment and by the fear of the loss of world respect on the part of any nation that refuses full compliance with any award that may be made.

The formation of public opinion is an important means for the promotion of every good cause, and we desire to encourage all agencies that will further the interests of international arbitration. Especially do we commend the awakening of the students of our universities and colleges in this important matter, as well as the instruction of all the children in our schools.

THE ELEVENTH MOHONK LAKE CONFERENCE ON INTERNATIONAL ARBITRATION.

First Session.

Wednesday Morning, May 31, 1905.

The Eleventh Annual Mohonk Lake Conference on International Arbitration met in the Parlor of the Mohonk Lake House on the 31st of May, 1905, at 10 o'clock in the morning.

In opening the Conference and welcoming the guests, Mr. Smiley spoke as follows:

MR. SMILEY: The time has now arrived for our calling together the Eleventh Conference on International Arbitration. I cannot half tell you how glad I am to welcome you to this Conference, which is the largest by far ever held here. I do not want to say anything against past conferences, but I think this is the most distinguished gathering we have ever had. [Laughter and applause.] We have sent invitations year after year to men that we could not get; but it is easier as the years go on to secure prominent men, because the subject that engages our attention is getting hold of the minds of all the people the world over. I consider it the most important subject that is before the mind of the world, — by far the most important. I believe that we have begun a movement that will in time do away in the main with all international controversies, and will lessen the expenses of the nations in maintaining armies and navies, and that law is going to prevail over the world. [Applause.] I do not think this is going to come right away; it demands education; and this Conference is to do its part in educating the public and in devising means by which this movement may be spread over the world and increased.

We have invited people of all shades of opinion in regard to matters connected with international arbitration, — inviting them purposely. We do not want people all of one mind; there would be no interest in a conference of that kind. A free discussion held in a kind spirit — that has been the custom here, and that spirit has prevailed. Try to get at the truth, but yield to the general good judgment of the Conference. We have always issued a platform at the end of our conferences which has been generally agreed to, and I doubt not we shall do the same thing this year.

Let me give you some little idea of the membership of the Conference. There are, approximately, twelve jurists, from the Supreme

Court of the United States and the Superior Courts of the different states; of diplomats, we have five; of government officials and congressmen, six; of educators connected with colleges, twenty-nine; lawyers, twenty-seven; clergymen, twenty-three. Then of business men we have a very large number. Most of those who do not belong to one of the classes I have just mentioned are business men, or philanthropists, or in some way contributors to the world's great interests. We never invite a man who does nothing at home; we invite those who work. [Applause.] So you may take it for granted that all here are interested, and can give valuable counsel and exert a strong influence when they return home.

I want to speak to the business men especially. As a result of a movement started at one of our recent conferences, business men all through the country,—boards of trade, chambers of commerce (I think about eighty prominent organizations, representing nearly all the large cities of this country),—have become deeply interested in the promotion of international arbitration, and are doing a splendid work. You know very well that what business men say gets into the newspapers, and is received in general society—a word from a business man who knows how to conduct business. People sometimes discount clergymen and college men: they say they are merely idealists. We do not think so; but the public sometimes does. But the business men—everybody heeds what they say, and they are doing a magnificent work. We have invited a large number; representatives have come from many boards of trade and chambers of commerce, and they will have one session given to them.

We are now ready to organize and I hope that at the end of the Conference the cause of international arbitration will have received a great impetus. [Applause.]

We have always been fortunate in getting a good, strong man to preside at our meetings. You who were here last year know that we had a remarkably good presiding officer,—a man of national and of international reputation; a man who is one of the members of the Hague Court. We have three members of the Hague Court here [applause] and we are going to call upon one of the most distinguished members of that Court to preside. He is a man who has been in the Circuit Court of the United States a long while and is very widely known. You all know him without my saying more, because of his record here last year, if you never knew him before.

It gives me great pleasure to present for presiding officer the Hon. George Gray of Wilmington, Delaware. [Applause.]

OPENING ADDRESS OF THE HON. GEORGE GRAY, CHAIRMAN.

Mr. Smiley, Ladies and Gentlemen: I am much honored at being called upon for the second time to preside over this Conference. These annual gatherings at Mohonk Lake to forward the cause of

international arbitration are of growing national importance, and I believe that their influence will become wider and stronger until it is merged in a settled public opinion which will measurably command the peace of the world by the firm establishment of international arbitration as the means of settling international controversies. May you, Mr. Smiley, live to see, to some extent at least, the fruition of this hope.

We should not be worthy of the great cause in which we are enlisted if we were discouraged by some of the untoward events that have happened in the interval since our last meeting. It is true that strong hopes were kindled at our last meeting that before we met again we would have been cheered by the ratification of arbitration treaties between the United States and many of the powers signatory to the Hague Convention. Such treaties were concluded by the President with France, Great Britain, Germany, Italy, Portugal, Switzerland, Spain and Austria-Hungary. This hope has been woefully disappointed by their failure of ratification by the Senate; but we can congratulate ourselves that no loss of strength on that account has come to our cause. As in the case of the rejection by the Senate of the Treaty of 1897, the result has been a widening circle of interest and discussion and a reanimation of the friends of international arbitration throughout the world in the endeavor to accomplish forward steps in this great movement of civilization. All the more, then, is it incumbent upon us, in this Eleventh Annual Conference, to signalize by our proceedings the patriotism of our motives, the earnestness of our purpose and the courage of our convictions.

We do not need to argue any question as to the necessity, propriety, or practicability of international arbitration. We have only need to proclaim the insistence of the good people of this country that the time is now ripe for doing what so many, if not all, right thinking people believe ought to be done, that waking realization should now come to the dreams of the poets, and fruition to the aspirations of the leaders of thought and humanity throughout the ages. It is a significant sign of the progress that the cause of international arbitration has made in the ten years during which these conferences have been held, that, in the discussion which preceded the refusal by the Senate to ratify any of the arbitration treaties sent to it by the President, no voice was heard in opposition to the principle of international arbitration, or at least none important enough or strong enough to gain a national hearing. The scoffer is no longer applauded, and if there were any who believed in the impracticability of substituting the arbitrament of reason for the arbitrament of the sword, their opposition was compelled to take the form of technical objection and constitutional casuistry. I should be lacking in frankness, however, if I did not say that there was plausibility in the reason assigned by the majority of the Senate for its refusal to ratify these treaties in the form in which they were presented. Article XXXI of the Hague Convention provides that the powers who resort to arbitration shall sign a special act of submission, in which the subject of the difference

shall be precisely defined, as well as the extent of the power of the arbitrators. The United States was one of the signatory powers of the Hague Convention, as is recited in the caption of each of the treaties submitted to the Senate. Article II of each of these treaties therefore provides that, "In each individual case the high contracting parties, before appealing to the Permanent Court of Arbitration, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure." The Senate stood upon the proposition that this article purported to authorize the President alone to make with the other party to the convention, whenever differences should arise between them in the future, an agreement which would be in effect a new treaty submitting that difference to arbitration, and this without the advice and consent of the Senate. In other words, that the Executive and Senate together could not, by one treaty, thus confer upon the Executive alone the power to make a future treaty. They therefore amended the treaty by substituting for the word "agreement" the word "treaty," so that Article II should read, "In each individual case, the high contracting parties, before appealing to the Permanent Court of Arbitration, shall conclude a special *treaty*, defining clearly the matter in dispute, etc." This, of course, was intended to make it clear that whenever a difference should arise hereafter between the high contracting parties, such as they had mutually promised should be referred for settlement to the Hague Tribunal, the agreement formulating and defining the same for adjudication should be in the form of a treaty between the two governments, requiring the advice and consent of the Senate.

Without challenging the sincerity or intelligence of those who adhere to this view, we may indulge the hope that the friends of arbitration in the Senate (and we have no right to assume that all its members are not such) will find a way by which the government of the United States, through its treaty-making power, may join the other civilized nations of the world in binding itself to submit "differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy," to the Permanent Court of Arbitration established at The Hague, without requiring the merely subordinate agreement as to procedure in each case to be ratified by two-thirds of the Senate. To say that this cannot be done would argue a degree of imbecility and weakness in our Federal government that I do not believe exists. The treaty-making power, as conferred by the constitution on the President and the Senate, is without expressed limitation or restriction, and it is surely broad enough to authorize a covenant by the United States to pursue a prescribed line of conduct with reference to future contingencies. I think, therefore, the President did well to withhold the treaties for the present, without accepting the Senate amendment, which would practically have defeated their purpose. Here we may leave the matter, with the

reasonable assurance that the public opinion and awakened conscience of our country will not rest satisfied that the government of the United States shall continue to be alone among the powers signatory of the Hague Convention in not responding to this great movement to support and strengthen the tribunal thereby established.

It was not to be expected that this great reform and betterment of the world's conditions could be accomplished in the period of a generation. Old prejudices and habits of thought die out slowly. The world does not progress by leaps and bounds. But in the slow process of the ages we cannot fail to see the steady gain of humanity. The ground we have gained we will not lose. From the hour of the establishment of the Hague Tribunal no backward step has been possible. The trend of public opinion is all our way. It is becoming more and more recognized that international peace is necessary to the establishment of international justice. In spite of disappointments, there is much to cheer us as we look towards the oncoming years of the new century. No one now seriously controverts the general proposition that international disputes should be settled by arbitration. The Senate of the United States has not dissented, but has in effect approved the first article of the several arbitration treaties presented to it. That article contains the *gravamen* of the whole matter. Though already quoted in part, I again recite it:

"ARTICLE I. Differences which may arise of a legal nature, or relating to the interpretation of Treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties."

I hope to live to see the day in the near future when it will be recognized that the national honor is best subserved by righteousness and justice and a love of peace. I hope we shall all live to see the day when the national honor will be most seriously involved for that nation that refuses to tread in the pathway of peace and arbitration. There is no international question that does not involve in some respects the national honor, but what nation ever emerged from an arbitration with its honor dimmed, or rather not brightened, by the very fact that it had submitted to an arbitral tribunal the disputes which otherwise could have only been subdued, not settled, by the arbitrament of the sword.

I welcome you all, ladies and gentlemen, to the work of the Conference. May it redound to the blessing and happiness of our country and of the world.

Hon. John H. Stiness, former Chief Justice of Rhode Island, chairman of the Business Committee selected by Mr. Smiley, then announced the further officers and committees which had been chosen by the Committee. [For the list of officers and committees see page 2.]

HON. JOHN H. STINESS: For the information of those who are

attending the Conference for the first time, a single suggestion is appropriate. While this is a conference in which all the members are invited and desired to take part, it is necessary that there should be some preliminary arrangements, in order that matters may come in an orderly way before the Conference, and much time be saved that would otherwise be lost in possibly desultory suggestions. Accordingly, those persons who have some special connection with the subject, either officially or otherwise, or those who by their studies are enabled to give information to the Conference valuable at its very outset, have been invited to present the addresses. Naturally for these prepared addresses a somewhat longer time must be allowed than for the ordinary remarks. Consequently the Business Committee have fixed thirty minutes as the time for the addresses. It is also desirable, in some cases, perhaps at every session, to ask some one to lead off in discussion. We find that people are not always ready to start in at first, and as it is desirable that some one should do so, some persons will be requested in advance to do that. In those cases the time will be limited to ten minutes. Afterwards the time will be open to all the members of the Conference, and in order that all may have a chance, these addresses will be limited to five minutes. These rules, adopted by the Business Committee, will be enforced by the Chairman of the Conference.

THE CHAIRMAN: The first speaker this morning is a gentleman whom most of you, if not all of you, know. He has been identified with this Conference from the beginning, and we are much indebted to him. DR. BENJAMIN F. TRUEBLOOD, of Boston, General Secretary of the American Peace Society, will give us a review of the progress of arbitration during the year.

THE YEAR'S PROGRESS IN ARBITRATION.

ADDRESS OF BENJAMIN F. TRUEBLOOD.

In order to appreciate fully what has been accomplished the past year in the advancement of international arbitration, one must remember the century of work and attainment preceding, the labors of the peace organizations from 1815 on, the more than two hundred cases of dispute settled by temporary arbitration tribunals and the three hundred adjusted by mixed commissions, the formation and important labors for thirty years of the International Law Association, and later of the active and powerful Interparliamentary Union organized in 1889, the work of conferences like this, the issuance of the Czar's Rescript in 1898 and the peace crusade which followed, the Hague Conference and the setting up and successful inauguration of the Permanent International Court of Arbitration, the action of national legislators and government leaders in coming vigorously to the support of the movement, etc., etc. What has taken place the past year has been only the addition of another ring to the great tree

which has been growing for a hundred years and longer, and spreading its healing branches little by little over the nations of the world.

Arbitration, like all other principles of progress, has its ups and its downs. It has apparently had both these the past year. On Friday morning of our last year's conference here Mr. Smiley announced from this table that an arbitration treaty had just been signed between Spain and Portugal, and this was declared to be the eighth of the treaties of obligatory arbitration signed within the preceding eight months.

Since that time twenty-two other treaties have been signed, bringing the whole number up to thirty. This epidemic of arbitration treaties, as an eminent German peace worker has called it, seems at last to have spent itself, or nearly so. About half of these treaties have already been ratified and are now in force. All of the nations of Western Europe are signatories of some of them, and they are thus practically bound together in the bonds of peace for a period of five years.

It is worthy of note that not a single arbitration has as yet occurred under the provisions of any of these treaties, and the probabilities are that the five years will pass without any practical application of them. The spirit which has brought them into existence will probably prevent any serious disputes from arising, or, if not, will secure their adjustment by direct diplomatic methods. It seems probable that we are on the very verge of an era when international disputes in the old sense of the term are almost entirely to cease, and the problems raised by the growing intercourse of the nations are to be solved by the processes of rational discussion and adjustment such as now so largely prevail among men in the common relations of life. No grander outcome than this of the pacific arbitration movement is possible.

It has been objected by some, even by eminent statesmen, that these treaties are practically valueless because of their limited scope and the reserves made in them. But the fact seems to be that they have advanced the whole cause of arbitration very greatly by their mere signature, and that they have prepared the way, as could not otherwise have been done, for another and probably the final great step in the arbitration movement.

The failure of the eight treaties signed by Secretary of State Hay to go into effect, because of the disagreement between the Senate and the President as to their powers and prerogatives under the Constitution, has been a great disappointment to most of the friends of arbitration in this country. As this is to form a special topic at a later session of the Conference, I shall not venture to express any opinion at this time on the responsibility for their failure, but limit myself to saying that the United States, which has through the past century been the leader of the movement, has for the moment fallen behind in the march. Western Europe for the time being has gone to the front in a way that we had little expected. It is possible, however, that in the long run the failure of these treaties may be a

great strengthening of the cause. The disagreement of the President and the Senate has deeply stirred the nation and caused such a thorough study of the subject as has never before been made by the American people.

Furthermore, also, the Arbitration Group in Congress, which now numbers about two hundred, has been aroused to such zealous support of the cause as might not otherwise have occurred. They have decided to recommend to the Conference of the Interparliamentary Union at Brussels, the last of August, the adoption of a resolution urging that the order of the day of the new International Conference at The Hague, the first step for the holding of which has already been taken by the President, shall include the matter of the conclusion of a general treaty of obligatory arbitration, which shall specify the classes of cases to be referred to the Hague Court. It is possible, therefore, that in this way the United States may lead the way in securing a treaty among all the powers which shall be represented in the new conference that will be much superior to any of the treaties already signed, excepting always that between Denmark and The Netherlands.

Whether this happen or not, it is at any rate true that arbitration has never before been so widely and strongly approved by the masses of the American people as it is to-day. The treaties signed by Mr. Hay had the cordial support of nearly all the great business bodies of our cities, of the religious organizations, and of the intelligent citizenship of the nation in general. No public measure before the country in recent years has called out more sympathy and approval than these treaties, and the impatience of the people with the authorities at Washington responsible for their failure has found difficulty in restraining itself.

The Hague Court has settled one dispute during the year. The tribunal chosen from the Court to adjudicate the Japanese House Tax case, the reference of which was announced here last year, has completed its work, and the award was made on the 22d of this month. The contention of Japan that she had a right, under her treaties of commerce with the Western powers, to tax improvements on land held by foreigners under perpetual lease, was rejected by the Court. Within the year, also, Great Britain and France, under the terms of the general agreement between them for the disposal of all their outstanding differences, have decided to refer to the Court the disputed question of the French Protectorate over the Sultan of Muscat.

The arbitration of disputes outside of the Hague Court has still gone on during the year, though no important cases have been handled in this way. The principal ones either settled or in process of adjustment are as follows :

The French-Venezuelan claims case.

The boundary question between Costa Rica and the new republic of Panama.

The question of the indemnity claims of the Newfoundland French fishermen.

The Reid-Newfoundland Company claims case.

A question of the boundary between Ecuador and Peru.

The Barotseland boundary controversy between Great Britain and Portugal.

The British-Brazilian Guiana boundary dispute.

The Swedish-Norwegian sea-frontier question.

The British-Russian seal fisheries dispute, originally submitted to arbitration, but finally settled by compromise.

The Kantao Island case between China and Korea.

The Venezuela-Italian claims case.

The question of disputed boundaries between Brazil and Peru.

The San Domingo Improvement Company case.

The Ecuador-Colombian boundary dispute.

The most noteworthy international pacific settlement of the year has been that of the North Sea incident between Great Britain and Russia. Though not technically an arbitration, the adjustment of this case was made under the terms of the Hague Convention, which provided for the establishment of the permanent court of arbitration, and is therefore rightly to be considered in connection with arbitration proper. It called into operation the provisions of that convention for the creation of international commissions of inquiry in differences where the dispute was as to matters of fact, and has demonstrated anew the extraordinary wisdom and foresight which characterized the eminent men who sat in the Hague Conference. But for the existence of the Hague Convention and the tribunal which it created, it is difficult to see how the extraordinary crisis caused by the firing of the Russian fleet upon the British fishing vessels could have been passed without a bitter and disastrous war. In spite of the excitement and indignation of the moment the governments of the two nations were under and felt the power of the obligations which they had taken upon themselves in the conference called by the Czar, and when their attention was directed to the matter by the distinguished French Foreign Minister, Mr. Delcassé, they at once recognized their imperative duty to find a way out of the difficulty by the use of the means which they themselves had been among the foremost in establishing. The pacific settlement of this ugly affair has manifested in a peculiar way the great strength which the international peace movement has acquired, and the immense value of systematic, concerted action among the nations for the regulation of their intercourse by the same principles of law and order which prevail within the separate nations. The friends of arbitration and peace can hereafter say with greater force than ever that no excuse for war any longer remains among the civilized nations who are parties to the Convention of July 29, 1899.

On the whole, the year has been one of gratifying progress for the cause in whose interests we gather here. The friends of arbitration, not in this country only but in all the countries of Western Europe, have largely increased in numbers and have carried on a vigorous

and unremitting campaign. They have made repeated efforts to bring to an end the sanguinary conflict in the Far East through the employment of the means provided by the Hague Convention. They have so far failed in their efforts, but they have never been so conscious of the rightness and the strength of their cause.

But notwithstanding all the progress of the year, there are still serious obstacles to be overcome. The chief of these are the inertia of public opinion, the stubbornness of old prejudices between the nations, racial animosities, false conceptions of commercial interests and of national honor and greatness, and a certain fondness still lingering in the minds and hearts of the peoples and governments for the machinery of war and the supposedly speedier method offered by war for the securing and maintenance of international justice.

In our constructive work for the complete and permanent establishment and universal use of the principle of arbitration through the Permanent Court in the adjusting of international differences, five things must be definitely aimed at:

1. The bringing of all the Central and South American states into the Hague Court, that it may be in reality a world tribunal. None of them are yet parties to it, though the treaty among them signed at Mexico City for the submission of all questions of claims to the Court has been ratified by most of them.

2. The conclusion of a general treaty of obligatory arbitration among all the independent nations of the world.

3. The extension of the jurisdiction of the Hague Court to as many classes of cases as possible, with the view of ultimately leaving no sorts of controversies outside of its jurisdiction.

4. The creation of a Congress of Nations to meet at stated periods for the regular discussion of all important international questions, that the Hague Court may be fortified and guided by a completer and better system of international law than now prevails.

5. And lastly, the instruction of the public mind to the settled belief that in our day there are no differences which may arise between nations which cannot be honorably and satisfactorily adjusted by the judicial method.

The greatest of these desiderata is clearly the early creation of a stated international congress. The nations have reached a point in the growth of their mutual intercourse and the interdependence of their interests when a properly constituted organ for the treatment of their common concerns is absolutely imperative. The Interparliamentary Union has by unanimous vote at its last conference put this subject upon its future program, and we of the Mohonk Conference, who also last year voted our unanimous sanction of the project, will greatly increase the power of our efforts for the completion of the international arbitration system if we give to the stated international congress proposal the full support of our sympathy and the full weight of our influence.

During the reading of Dr. Trueblood's paper, the fine new clock

presented to Mr. Smiley by the Conference last year, purchased by Mr. F. P. Shumway, and put in place after the close of the Conference, began to exhibit the virtues of all its bells, gongs, chimes and striking apparatus, when the following episode occurred :

DR. TRUEBLOOD: I don't know, Mr. Smiley, but that once during the Conference we must stop and listen to that magnificent clock, that we have never heard before.

MR. SMILEY: I think it is a good time for me to thank the members of the Conference who were here last year for that splendid clock. It has been sounding rather too loud to-day, but we did not expect an audience that would be so quiet and attentive that that clock — every tick of it — could be heard all over this room. It is very complimentary to the audience, — their strict attention to what is said.

I want to thank you most heartily. Nothing could have pleased me more. That clock came after the adjournment of the Conference, and I had no means of thanking you for it, and I do so now. I was just upon the point of buying a clock, and was in correspondence about one, and that came as a thorough surprise. You could not have procured a better one. It is one of the best makes in the world, and in the choicest frame. We had it going all the winter. It has not stopped for a second since it came here; and I hope that for a hundred years it will continue to sound, if it shall be found necessary to continue this Conference for a hundred years, until we have this thing settled. [Applause.]

THE CHAIRMAN: Mr. Alexander C. Wood, who has been appointed Treasurer of this Conference, will make his report at this time for last year.

The Treasurer submitted his report properly audited, which, on motion of Mr. Kline, was accepted by unanimous vote. He suggested that \$1,500, or, better, \$2,000, be raised for the printing and circulation of ten thousand copies of the Report of the Proceedings and to meet the other expenses of the Conference. He called attention to the fact that, in addition to this expense, Mr. Smiley, at his own charges, was providing a permanent Secretary for the Conference.

THE CHAIRMAN: How insignificant the cost of peaceful efforts seems to be, in comparison with the expenses of war!

The HON. SAMUEL J. BARROWS, secretary of the Prison Association of New York, former member of Congress from Massachusetts, and earliest American member of the Interparliamentary Union, has been invited to address the Conference this morning, and will do so now.

THE WORK OF THE INTERPARLIAMENTARY UNION IN BEHALF OF ARBITRATION.

ADDRESS OF HON. SAMUEL J. BARROWS.

Mr. President, Members of the Conference: Mr. Trueblood does not have to go very far to find encouraging news for this Conference, and our President has pointed out the fact that there is a good deal to be thankful for. Personally I feel that there is a great deal to be thankful for, and perhaps my feeling is largely colored by the wonderful success of the meeting during the last year of the Interparliamentary Union, and the new impulse that has been given to the development of that organization.

As the President has intimated, I had the honor of representing the United States the first time it was represented, in 1897, at the meeting of the Interparliamentary Union in Brussels, where the meeting this year will be held. You cannot feel any more strongly than I feel how inadequately the United States was represented on that occasion. To think that one member alone of the Congress of the United States should attempt to represent that country seems somewhat of an assumption perhaps; but the United States Congress had received this invitation, and to me it seemed not only a privilege and opportunity but also a duty to go to Brussels. It was rather a melancholy duty also to fulfill, because the Senate of the United States had just failed to ratify the treaty with Great Britain. I felt, however, on that occasion, as the President himself has said, that the failure of the Senate to ratify did not mean a rejection of the principle of arbitration; it only meant that there were certain difficulties, and some of them political complications, which surrounded that special treaty, and that a fresh and complete recognition of the principle of arbitration, which the United States had often recognized before, was only delayed.

Now, what was that Interparliamentary Union? How was it formed? It was formed very much as this Mohonk Conference was formed, — beginning with the power, the insight and foresight of a single individual, who did not create all the forces represented there, but who, by his personality, was enabled to focalize them. William Randal Cremer, a member of the English Parliament, twenty years ago felt that there was an opportunity in that Parliament to focalize this sentiment in regard to peace. He was at first ridiculed. It was said to be impossible. He persevered. He got together some members of the English Parliament. He came to this country, and tried to enlist interest here. He brought over a great petition in regard to arbitration from English workingmen. He had his rebuff in the United States for various reasons, but mainly that the time was not ripe. He then tried the movement in France, and succeeded there, with the help of that splendid advocate of peace, Frederic Passy. Thus this Union was established some sixteen years ago. And now

it is possible to date from its organization and influence some of the new and more important steps of progress that have been made in the history of arbitration.

Its basis of organization, so far as principle is concerned, is very much the same as that of this Mohonk Conference. It is not a purely Quaker movement. It is made up of men of all shades of belief and all occupations in life, the single condition being that one must be a member of some of the national parliaments; and so you find in it business men, military men, officers of the army and officers of the navy, as well as members of the bar and laity, and occasionally a clergyman.

Three times it has been my privilege to represent the United States abroad at its meetings, and on two of those occasions I must say that I felt very lonely, and thought of the Congress of the United States that was left behind. But in 1898 Mr. Richard Bartholdt, Member of Congress from Missouri, came to Christiania, and there we said, "What a great mistake it is not to have this meeting in the United States!" It was Mr. Bartholdt who succeeded in bringing this about, with the help of the St. Louis Exposition, and who secured the invitation from Congress to come to the United States, and the necessary help of sympathetic members of Congress. An appropriation of \$50,000 for the entertainment of the Union in this country was voted by Congress.

So last year we had the memorable experience of having the Inter-parliamentary Union meet at St. Louis. It passed a resolution asking the President of the United States to call another Hague Conference, a momentous resolution which will eventually have its full effect [applause], whose accomplishment is only now delayed.

The work of that conference was not confined merely to what it did at St. Louis; it made, under the invitation of the government, a tour of the country, extending over five thousand miles, visiting some of the most important points in the West, holding meetings, being received by the most prominent members of the different cities it visited, and so helping everywhere to stimulate interest in the principles of arbitration and peace.

Some of you living near the Hudson River may have heard, about the 6th of September, twenty-one guns; you may have heard, perhaps, near West Point twenty-one more guns, and you wondered what this naval engagement meant. Not everybody knew. The total amount of noise seemed so small, perhaps, — only forty-two guns altogether, — that not much account was made of it, and then nobody was killed or wounded, and no vessel was sunk; therefore it was not of great importance! Nevertheless, there was something very interesting about it. We had decided that it would be a good thing to begin this meeting with a trip up the Hudson River. For that purpose, and to extend the hospitality of the government, two revenue cutters of the Treasury Department were ordered to take us up the river. Then it was thought it would be interesting to have a meeting — the first meeting on United States territory — at some place distinctly

representing the nation, representing one of the great national schools; and there could be no better place to hold a peace conference (excepting Mohonk, which has the first title) than West Point, and so we decided to go to West Point.

I went to the Secretary of the Navy and said to Mr. Morton, "The Treasury Department has extended its hospitality, and the War Department has extended its hospitality at West Point: can we not have an escort from the Navy Department up the Hudson River?" He pushed his little bell, and the officer who came said it was possible for one of our naval vessels to go up this arm of the sea twenty-five miles; so he ordered the "Topeka" to escort us up the river. I said, "Mr. Secretary, when we went to Norway we had a naval escort and a salute from the vessels of that country; it would be a nice thing to have a salute given by the United States vessels." So he pushed the bell again and called in the proper officer, who said there was no precedent for anything of the kind; he had looked it up in the book? I ventured to say, "Would it not be possible to create a precedent! If you fire seventeen guns for a member of the cabinet, why not fire seventeen and a half guns for this Conference?" Mr. Morton said that possibly there would be a way of doing it.

So we went up the Hudson River, and when we had sailed up twenty-five miles, the "Topeka," our naval convoy, lay to and "dressed" ship with flags (and I am glad to say that that invisible flag, for prize money and piracy, of which I spoke two years ago, was not there among them; it had gone down), then turned in a most graceful manner and fired twenty-one guns! At West Point the revenue cutters saluted also in the river. I had the photographer on a lighthouse, and he took a picture that will appear in the souvenir volume I am editing, which the government is going to present to each member of this Interparliamentary Union. This will show that a precedent has been established in the United States—and under ordinary circumstances there is no better use, perhaps, to which we can put our war vessels than to salute the conferences which are seeking to preserve peace and justice in the world! [Applause.]

Those foreigners were very much impressed with some things in the United States, but by nothing more than by our bringing them along the border line of Canada and the United States, and letting them know that in that whole extent, from ocean to ocean, there were no war vessels, and no forts, and no standing army to keep peace between the nations. I said to them, "You can do this on the Rhine just as well if you only think you can!" [Applause.]

My time has expired and I can only say in conclusion that the Interparliamentary Conference will hold its next meeting at Brussels, in August; that instead of there being one simple, humble, insignificant member to represent the country, there will be perhaps twenty-five. As has been said, the number of members has been increased to two thousand and more, and we may possibly have an opportunity to meet, this year, members from South America also.

The ripening influence is going on. Just look out and think what

a wonderful spectacle we find here in this beautiful springtime at Mohonk! What does it all mean? It means not the introduction of some new verdure we had not seen before, the invasion of some new forms of plant-life; it simply means a change in temperature; that is all, — bringing out this wonderful spectacle, and leading eventually to the ripening processes of the fruit which some of us will see here in the autumn. So I think by this wonderful development of public sentiment, of which this Interparliamentary Union is one of the agents, the time is coming when the world, as the President has said, will be ripe for doing that important work which ought to be done. [Applause.]

THE CHAIRMAN: I have the pleasure to announce that the REV. DR. GEORGE WASHBURN, for so many years president of Robert College, Constantinople, is here and will address the Conference at the present time.

THE PACIFIC INFLUENCE OF THE CONCERT OF EUROPE.

ADDRESS OF REV. GEORGE WASHBURN, D. D.

Ladies and Gentlemen: The fact that we have met together here in the home of this Apostle of Peace and Love is the best possible evidence that we all of us believe in arbitration, that we all believe in putting an end to war if that is possible. We do not need to prove either of those things.

I was very much interested in the report which was read, and that attention was given particularly to the question of obstacles. It seems to me that the one thing that needs to be done in the world, and the one thing that can be done by an assembly of this kind, especially here in America, is the work of education and the work of persuasion. There are obstacles, and, as was well said in the report that was read, these obstacles are to be overcome. I like that word. I do not think they can be removed altogether, but they may be overcome.

The truth is that these obstacles, to a large extent, exist in our very nature. Explain it as you will, by theology or by science, the fact is, that the war spirit exists in every one of us. Those of us who have become gray-headed or have lost our hair altogether may not be so fierce as we once were, but the spirit exists. We see it in children. Children are always ready to resort to war to settle questions between them. We see it in the enormous development of the athletic sports in this country. What, after all, is a football game, such as we often see, except a mimic battle?

We have, then, this spirit. What we need is education as to what can be done between states in the settlement of their difficulties by right reason rather than by war, and we need also to learn how to get at people's hearts; for there is no doubt whatever that this spirit of selfishness, which we all also possess, is at the bottom of a great many wars.

It is generally supposed that diplomatists are more or less responsible for war. There is no doubt whatever that this has been true at times; that diplomacy, instead of honestly seeking to remove difficulties, has raised them in order that there might be war. It would be easy to name some of the most distinguished diplomats of the world during the last century as illustrations. But I have been brought into very intimate relations for the last thirty or forty years with the diplomatic representatives of the great powers of Europe in Constantinople, — and, as you all know, Constantinople has been the centre of European politics during at least a century, — and I must testify that in general I have found these men anxious to preserve the peace of the world — anxious to avoid war. I do not think that their methods have always been such as would be adopted by all people, but it is true in general that the diplomacy of Europe is not inclined to encourage war. I can testify to this from what I have seen.

There is one thing which has not been mentioned here in any of the reports that I have seen in connection with this matter of arbitration. We have outside of the Hague Tribunal in Europe an informal organization, if you like to call it so, which has been engaged in very much the same sort of work as that of the Hague Tribunal; it has armies behind it, and it is what is known as “The Concert of Europe.” We at Constantinople have been brought into the most familiar relations with this Concert of Europe, and we have seen it acting to preserve the peace of Europe; it has done this over and over again. The Conference of Constantinople in 1876 was practically a gathering together of all the great powers of Europe for the purpose of settling questions in Turkey without a war. If Turkey had been willing to accept the decisions of that conference, war would have been avoided, and it would have been a gain to Turkey. She would not have lost as much by accepting the decision of that conference as she did actually lose in war.

I mention these things simply to call your attention to the fact that it is true in Europe, true in every country in Europe, that there is a disinclination, a growing disinclination to resort to war. I have seen it in a hundred instances. There are questions, no doubt, which cannot be decided by arbitration; they are called questions of honor; they are questions, more properly, relating to the existence, the independence of the country. I suppose that no country would be willing to leave the question of its independence to an arbitration tribunal. That has been one of the great difficulties in all the work of the Concert of Europe. Each power has sought its own ends, but they have worked together, and in Turkey, whenever there has been a question of giving up the independence of the country in any way, the Turks have resisted.

But there is promise, there is promise even in diplomacy, when we have such men as the present Minister of Foreign Affairs in France and the Secretary of State of the United States of America [applause], two of the most distinguished men who have ever occupied the place of Foreign Minister in Europe or America — when we have such

men in the councils of Europe there is hope. There is hope even in the East that good may come out of this effort. But education is needed. The people need to be enlightened. I suppose that wars will go on; we shall not get rid of them in a year or in a century perhaps. There is, therefore, much work to be done, and it seems to me that perhaps each individual who comes here with these feelings and sentiments, wherever in the world he may go, should go out as a preacher of peace, as a preacher of arbitration, and should be willing also to set the example in his own life. We are too ready, all of us, not to be in favor of arbitration in our own relations, one with another. If we could learn for ourselves something of this spirit and carry it out in our own lives and in our own practices, we should find it far easier to exert an influence of this kind on the world around us.

Dr. Washburn, at Mr. Smiley's request, then told the Conference the story of how the land was secured from the Turkish government for Robert College, of the obstacles put in the way of building, and how these were removed and the college finally erected. But as this is not particularly germane to the subject covered by this Report, it is omitted.

THE CHAIRMAN: The Conference will now be very happy to hear from DR. DANIEL C. GILMAN, of Baltimore, President Emeritus of Johns Hopkins University, a gentleman who needs no introduction to this audience.

WORK AMONG UNDERGRADUATES IN THE UNIVERSITIES AND COLLEGES.

ADDRESS OF DR. DANIEL C. GILMAN.

Mr. Chairman, Ladies and Gentlemen: I am called upon as the youngest member of the Conference [laughter] — youngest in attendance, I mean, as I have never had the honor of being at one of the international arbitration meetings before, and the youngest perhaps in enthusiasm for the great purposes of this Conference, and for the methods by which its members are trying to accomplish those purposes. I am one of the five-minute speakers, so I shall only refer to two thoughts which have been suggested by the deliberations to which we have listened.

The first is this: The importance of voluntary, unauthorized organizations for the promotion of public opinion. It is characteristic of the United States that its citizens, men and women, can come together without the call of any church or of any form of civil government, and discuss the fundamental principles which underlie the prosperity of the state.

I look back and recall how much has been done in this country for the promotion of the welfare of the Indians, of organized charity, the improvement of prisons, civil service reform and international arbitration, chiefly by the voluntary associations and the conferences of enlightened and persistent men. I read the news of this present week

from the City of Brotherly Love and rejoice with you in the triumph of good government, when a short time ago the outlook was so dark; and then I say that it is by the force of public opinion that reforms are accomplished. Months, years, decades roll on, and many are disheartened, but the faithful perseverance in reiterating right principles and in opposing bad measures and bad men accomplishes results. Finally the clouds are lifted, the shadows disappear and the future is certain.

Now what is the amount of all our talk? It is this: Every one of us should go home, whatever his station may be, determined to diffuse the ideas that have here been brought forward. We have been at the springs,—Poland, Apollinaris, Saratoga, or whatever you please to call them,—and we have been refreshed by these pure waters. Let us urge others to drink of these and other invigorating sources. We are guests in an establishment for the dissemination of germs. We are apt to think that the germs are all harmful. On the contrary, we could not live without germs, and it is the good germs we are going to distribute through the country. Each one ought to go home and in the place where he has influence bring these seeds before the local conferences and other like assemblies, helping them to create that public opinion which, after all, rules our country.

But I wish also, Mr. Chairman, to say a word to all the college presidents before me. The opinions brought out here to-day are those that ought to be carried by an organized effort into all the colleges and universities of the land. [Applause.] If you can get, say, one-tenth of the enthusiasm that the young men bestow upon the athletic field directed to the study of these great international questions, the great contests between nations and the proper mode of dealing with them, the victory is ours. It may be desirable for this Conference, before it breaks up, to initiate some measures by which in every college in the land,—beginning with the older ones, Harvard and Yale, whose example is likely to be followed by the younger ones, until we reach California,—international arbitration shall be studied. Let there be in every college and university an assembly of the students, and do not let the professors do all the talking; let some one from a distance come and tell the story and throw the discussion open to the young men; let them organize their own clubs, discuss their own questions, propose their own difficulties and see what they can suggest toward their solution. I speak of the young men because they are strong, but I do not forget the young ladies. I would have the same movement go into the colleges for women, so that the educated young men and young women of our country may grow up breathing the air of international arbitration as freely and as naturally as they do the air that supports their life. [Applause.]

The next speaker was MR. CLINTON ROGERS WOODRUFF of Philadelphia, Secretary of the National Municipal League.

THE GROWTH OF PUBLIC SENTIMENT IN FAVOR OF ARBITRATION.

REMARKS OF MR. CLINTON ROGERS WOODRUFF.

Mr. Chairman, Ladies and Gentlemen: I should like to speak of one or two things which have impressed me this morning in connection with this Conference as compared with some of the preceding conferences. When Mr. Smiley was reading the list of those present he mentioned the fact that there was a large number of business men present. I remember that some years ago, in the early conferences, we considered a business man as a great prize, a capture worthy to be noted publicly. To-day I think I am correct in saying that the body of this Conference is composed of business men who have awakened to the realization of the tremendous importance of arbitration as a peaceable means of settling disputes and troubles which may arise between nations in the conduct of affairs.

In the second place, the thing which impressed me in the opening remarks of Dr. Trueblood in his review of the year's work was the fact that when difficulties arose during the last year between Russia and England and between other countries, the first thought was not of war or of arms on the part of those who had the settlement of those difficulties in charge, but of resorting to arbitration. The very fact that those who are charged by their respective countries with the conduct of public affairs should think of settling their differences by arbitration is significant and strikingly indicates how great has been the growth of public sentiment in favor of international arbitration.

One other thought occurred to me while listening to the admirable addresses that we have had this morning, and that is, that the boys and the girls, the young men and young women, are forming the habit of thinking of international arbitration as the only proper way of settling international disputes. Thank God that, because of those agencies to which Dr. Gilman has referred, and because of other agencies which are multiplying with great rapidity, the children of the coming generations are forming the habit of thinking in terms of international arbitration, and, although there is that natural impulse to contest in the minds of all, to which Dr. Washburn has referred, there is being formed that habit of far greater importance — of thinking in terms of international arbitration; so that the time will come when that will be thought of as the *only* way of settling difficulties. As Dr. Hale has so frequently pointed out, we have formed the habit of settling our personal differences through the courts: the time will come when the nations of the world will form the habit of settling their troubles in precisely the same way.

One other thought. Each year as we have come together in these conferences there has been some great event in the world at large which has been interpreted by some as representing a backward step, as an obstacle which was going to prevent the accomplishment of

those ends which we hold so dear. There was the defeat of the Olney-Pauncefote treaty, the Spanish-American War, the Philippine insurrection, the Boer War, and later we have had the war in the East. But, notwithstanding all these events, considered by some as untoward, we all unconsciously feel that there has been a tremendous growth of sound public sentiment; that the underlying current of thought of this country, of the countries of Western Europe, is making steadily for the establishment of international arbitration. Dr. Amos Parker Wilder of Wisconsin, who is doing so much toward the purification of our politics and the settlement of the problems of this country, recites an experience which has a lesson and an application for us in this connection. He says of a visit he made to New York two or three years ago, that he was riding along lower Broadway in one of the street cars. As he got on the car he had to push his way to get in and to get hold of a strap. As he looked around him everybody seemed to be possessed of an eager, selfish desire to look out for himself or herself, to make sure of his or her standing in that car. There did not seem to be any feeling or regard for those who were round about, and the thought occurred to Dr. Wilder, "Is this the country and are these the people for which our forefathers died?" Lo, while these very thoughts were passing through his mind he heard the sound of the gong of an ambulance. The street car stopped; traffic on lower Broadway, with all that that means, stopped; all those faces, which a few moments before had been selfish and eager in their own occupation, softened as the messengers of mercy went on their way. And while he was thinking of the changed attitude of his neighbors, there came from a near-by schoolyard a sound of the voices of the Greek and Jew, of the Gentile and barbarian, singing

"My country, 't is of thee,
Sweet land of liberty!"

"Aye, verily," said Dr. Wilder, "this is the country that Washington and our forefathers fought for and died for!"

So, while we may gather here from year to year, in the face of those events which seem to us outwardly unpropitious, let us look around and realize that all through this broad land and all over the neighboring countries in Europe there is a growing number of people who believe in the peaceful method of international arbitration.

DR. TRUEBLOOD: I rise to move that the Business Committee be requested to take up the suggestion which Dr. Gilman has made with regard to the organization of the movement in the colleges and universities of the country, and see what can be done in that direction. It will be remembered that the Conference has done one of its greatest services, in the last two or three years, through the business organizations of the country, and it is possible that an equally important service may be rendered to the cause of arbitration along the line suggested by Dr. Gilman. It will be well for us to take the subject up without delay.

THE CHAIRMAN: I have no doubt that if the Business Committee adopts that suggestion it will meet with the hearty approval of the Conference.

MR. SMILEY: Dr. Gilman may be interested to know that work of this kind has already been begun. There is a lady in this house, who is among the most able women in the country, who has recently devoted a good deal of time to giving lectures in our colleges, as well as other places, and to organizing work among the schools. So the work has already been begun.

REV. DR. PHILIP S. MOXOM, of Springfield, Mass.: *Mr. Chairman*: I remember that several years ago a resolution was adopted by this Conference to organize and carry on a propaganda in the colleges and schools throughout the whole land. It is of course very desirable that this should have a fresh impetus given it. But it was contemplated by the Conference at least four years ago.

MR. A. C. WOOD of Camden, N. J.: I beg to mention, by way of suggestion, that the Chairman of the Board of Trade in the city of Camden, N. J., has been in the habit every year for some time of offering a prize for essays on different subjects. This year the subject was international arbitration. I was asked to be one of the judges of the essays, and it was extremely gratifying to me to find the breadth of information that these students seem to have. They were most excellent papers. I mention this just as a suggestion, in reference to the subject now under consideration.

REV. DR. ARTHUR LITTLE of Boston, Mass.: The 18th of May has been set apart in Boston as Peace Day in the schools of that city. It was so observed this year, and doubtless will be in the years to come.

DR. MOXOM: I should like to add to what Dr. Little has said, because I consider the subject of this work among the educational institutions of extreme importance. It has been carried so far with us that we also have set apart the 18th of May in Springfield, and some of the ablest men in the city have been detailed for this work. They have gone to the various schools to speak distinctly on the subject of international arbitration. Lawyers and ministers, as well as others, were engaged in that work this year, and I wonder that it is spoken of as a thing that needs to be done. It does need to be done, but it is already begun in New England; it ought to be carried on throughout the whole country.

DR. TRUEBLOOD: While this has been done, as Dr. Moxom and Dr. Little say, Dr. Gilman's suggestion contemplated something different, namely, that organized work should be done in the colleges and universities. There has been, so far as I know, nothing done among undergraduates in the line which he suggests — nothing of an organized character, I mean. It occurred to me when he was speaking that something might be done in the universities and colleges akin

to what has been done through these conferences in securing the coöperation of business men and business organizations. In Massachusetts this year the State Board of Education adopted the 18th of May as International Peace Day for all the public schools; so, too, did the State Commissioner of Schools in Ohio. The same course was pursued by the Superintendent of Schools of Greater New York. But so far as I know no systematic effort has yet been made to organize work for arbitration and peace in the colleges and universities.

MR. DEXTER HUNTER, of the Jacksonville Board of Trade: What signifies the day in Massachusetts? Is it a holiday, and are there special exercises? Are they different from the exercises of an ordinary school day; if so, what?

DR. MOXOM: One day, the 18th of May, has been designated, as Dr. Trueblood has said, by the State Board of Education. They announced it in circulars sent out by the Secretary of the Board to all the superintendents of schools in the State. All the schools on the 18th of May assemble, supposedly, at a certain session, and some representative person is present to speak to them specifically on the subject of arbitration, or special exercises by the pupils are arranged. That is perhaps one of the most significant steps that has been taken. As to work in colleges, I went home two or three years ago from the Conference here and went immediately to a woman's college and addressed them on the significance of this Conference and the importance of arbitration. They all agreed with me, apparently. But that is only a single instance; others have followed; other members of this Conference have gone into colleges. But I agree with Dr. Trueblood that there needs to be some organized effort to command the support of the great universities and colleges in this work.

MR. GEORGE H. SUTTON, of the Springfield Board of Trade: Why not appoint a committee on this important matter, to take this measure in hand? The Springfield Board of Trade are taking up the matter and there is a prize offered for the best essays on peace and arbitration.

HON. LYNDE HARRISON, of the New Haven Chamber of Commerce: Apropos of what President Gilman has said, I am very glad to say that I am sure that President Hadley and several of the professors at Yale will be very glad to take hold of a movement of this kind. We have organized in Connecticut, with New Haven as its centre, a special commission on the subject of international arbitration. One of the first gentlemen of Connecticut to join was President Hadley. We called a meeting of that association at New Haven the latter part of December, for the purpose of passing resolutions to try to influence the Senate of the United States to ratify the treaties that had been presented to the Senate by President Roosevelt. President Hadley was there and Professor Woolsey, professor of international law, and, upon motion of President Hadley, seconded by Professor Woolsey,

resolutions were unanimously adopted, requesting and urging the Senators from Connecticut to vote for the ratification of those treaties. It will give me pleasure to take the matter up with President Hadley when I return to New Haven, and I am sure he will give it his hearty support.

EDWIN D. MEAD: With reference to what Dr. Trueblood has said, in regard to the specific suggestion of work in colleges and universities, there is one movement of the highest importance in colleges and universities which has already been most promisingly inaugurated. Charles Sumner, in his will, left a thousand dollars to Harvard University, the income of which should be expended each year in giving prizes for the best essays upon the settlement of international differences by other means than war, and essays upon that subject have been regularly written and prizes awarded. Three years ago a man, not a wealthy man as wealth is now counted in the United States, gave the same amount of money to Bates College, in Maine, with precisely the same purpose, and he has told me within the year that it is his purpose to do the same for fifteen of the other smaller colleges of this country. We see, moreover, in the colleges themselves precisely the most splendid indication of that spirit which President Gilman urges in the American public as a whole, and that is, that the students do not wait for authority from above. This matter, as we are in a position to know, some of us, is certainly stirring the student bodies of the country as no other, and on their own account they are organizing and carrying on debates and discussions openly as upon no other question at the present time.

There is another matter to which reference has been made. Dr. Trueblood has said that in addition to the authorization by the State Board of Massachusetts of a regular observance of the 18th of May, year by year, the same thing has been in the schools of Ohio. But a distinguished citizen of Ohio, a former professor in the University of Cincinnati, who is with us to-day, and who is the author of one of the most widely circulated school histories in the United States, has just incorporated in that history, which is a general, conservative world history, as the closing and culminating part of it, a chapter upon The World State, teaching the thousands and hundreds of thousands of students in our colleges and high schools who use that book that human history has an interpretation in no other way save as we see that it is moving on to the parliament of man and the federation of the world.

But I sincerely hope that this effort may become much more methodical, and nothing could be submitted to us of more importance than Dr. Trueblood's very definite suggestion.

PROF. J. C. BRACQ, of Vassar College: I should like to call attention in just a few words to what was said here in former conferences in regard to promoting education in the direction of arbitration. If any one will turn to the proceedings of these arbitration conferences,

he will find that the subject was brought up and discussed at the very first meeting, and the suggestion was made that education should begin in the schools. Archbishop Hughes of New York once said, "Give me the child till he is eight years of age, and I do not care who has him afterwards." We have a day set apart in New York as Arbor Day; a day is set apart for protecting the birds. Can education on so important a subject as arbitration begin at too early an age? We consider that this vast public school system is unequalled in extent and efficiency by any other in the world, and why should we limit this movement to the colleges and universities? Why not begin everywhere in the schools? There is not a superintendent of public instruction in all the United States that you cannot reach. There is probably not a school system in any State in which this special instruction in peaceable adjustment of difficulties by arbitration cannot be brought to the comprehension of the youth. I am not going to delay the Conference longer, but I want to add a word. If this thing could have been inaugurated at the beginning of this movement, the boy who had then commenced to learn the first principles of arbitration as against the principles of fisticuffs would find himself now a man of twenty-two, three, four or five years of age. What is the use of throwing away the early years of youth and then commencing with the young men when their principles have already largely been formed from their parents or from reading the startling headlines in the newspapers? Therefore, sir, to conclude, I hope the Business Committee will take this subject in hand and will recommend the utilizing of the vast system of education to-day prevailing through the different States, that we may use a force which shall be invincible, which shall be supreme in promoting the cause of international arbitration throughout this country, and, by our influence, throughout the world!

The Conference then adjourned till 8 P. M.

Second Session.

Wednesday Evening, May 31, 1905.

The Conference was called to order at 8 o'clock.

THE CHAIRMAN: Two members of this Conference were expected to attend this meeting who have been unable to be present with us, Rev. Edward Everett Hale, who has been the Nestor of the Conference from the beginning [applause], and the Hon. Andrew D. White, a commissioner from the United States to the Hague Conference, and a statesman of international distinction. [Applause.] In view of their enforced absence, the Business Committee have asked me to present a telegram to each, that it may be endorsed by the Conference itself, and sent to them from the whole body. They are as follows:

MOHONK LAKE, N. Y., June 1, 1905.

HON. ANDREW D. WHITE, Ithaca, N. Y.

The Mohonk Conference on International Arbitration deeply regrets your inability to aid its deliberations by your presence and counsel.

(Signed) GEORGE GRAY, President.

MOHONK LAKE, N. Y., June 1, 1905.

EDWARD EVERETT HALE, D. D.,
39 Highland Street, Roxbury, Mass.

The Mohonk Conference on International Arbitration sends cordial greetings, greatly missing your accustomed presence.

(Signed) GEORGE GRAY, President.

It was voted unanimously that the telegrams be sent as suggested.

THE CHAIRMAN: A committee was appointed at the last Conference, a year ago, with relation to the immunity of private property at sea from capture in time of war. I understand that the Chairman of that committee, Mr. Charles Henry Butler, has a report to present. If he will present it now, it will be referred to the Business Committee.

REPORT OF THE COMMITTEE ON THE IMMUNITY OF PRIVATE PROPERTY AT SEA FROM CAPTURE IN TIME OF WAR.

MADE BY CHARLES HENRY BUTLER, REPORTER OF THE UNITED STATES
SUPREME COURT.

To the Mohonk Conference on International Arbitration: The undersigned committee, appointed to urge upon the President of the United States and others the adoption of rules of international law in regard to the immunity of private property at sea during war and a code of naval warfare, beg leave to report that they have submitted the resolutions to the President, and obtained from him a statement of his cordial and favorable interest in the movement; that the second

Hague Conference will undoubtedly soon be provided for and an early day set for its convening, and the principles endorsed by the resolutions will very likely be included in the matters to be discussed by that Conference.

Your committee therefore at the present time simply report and ask leave to be continued, and at the proper time, when the actual time and place of such Conference has been determined upon, to present the matter to the proper authorities with the view of urging the principles endorsed by this Conference; and your committee also ask leave to add such other persons to the committee as they may deem expedient. Appended hereto is a copy of the correspondence with the President. Respectfully submitted,

CHARLES HENRY BUTLER,
JAMES B. SCOTT,
GEORGE G. WILSON.

MAY 31, 1905.

To the President: At the Tenth Annual Meeting of the Lake Mohonk Conference on International Arbitration, held in May, 1904, the following resolutions were unanimously adopted, and the undersigned and Prof. James B. Scott of Columbia University and Prof. George Grafton Wilson of Brown University were appointed a committee to present the same as therein provided:

Resolved, That this Conference endorses the sentiments expressed by President McKinley in his annual message of 1898, and reiterated by President Roosevelt in his annual message of 1903, in favor of the exemption of unoffending private property at sea from capture during war; and as such a rule would tend to minimize and alleviate the disastrous consequences of war,

Resolved, That the President of this Conference appoint a committee of three to prepare and present to the President of the United States, the Secretary of State, and both Houses of Congress, a memorial urging that an international congress be called to consider this question with a view of incorporating into the permanent law of civilized nations the principle of the exemption of all unoffending private property at sea, not contraband of war, from capture or destruction by belligerent powers; and, further, that this Congress be requested to consider the adoption of a code of rules for the general conduct of warfare upon the sea.

The undersigned well knows that on more than one occasion you have expressed yourself as heartily in favor of the principles enunciated in these resolutions, and in presenting them he wishes, on behalf of his colleagues and himself, to express their appreciation of the great efforts you are making in behalf of the peace of the whole world, and to express their hope that under your leadership there may soon be a second conference, which will result in the firmer establishment of the principles of international comity, which will not only lessen the occasions for war, but which will mitigate its severity and hardships if it unfortunately does occur.

Respectfully submitted, on behalf of the committee,

CHARLES HENRY BUTLER, Chairman.

MAY 2, 1905.

WHITE HOUSE, May 26, 1905.

Dear Sir: I am of course cordially in favor of the movement in question, as I have already declared in my official communications to Congress. I am in doubt, however, whether the matter should not be taken up by the Hague Conference rather than by a special Congress.

Sincerely yours,

THEODORE ROOSEVELT.

MR. CHARLES HENRY BUTLER,
Reporter United States Supreme Court,
Washington, D. C.

THE CHAIRMAN: That will be referred to the Business Committee.

Ladies and gentlemen, it is my great pleasure this evening to introduce to you — or would be my great pleasure were an introduction necessary — MR. JUSTICE BREWER of the Supreme Court of the United States, who will now address you.

THE ENFORCEMENT OF ARBITRAL AWARDS.

ADDRESS OF HON. DAVID J. BREWER.

Mr. President, Mr. Smiley, Ladies and Gentlemen: I know you all regret the absence of Dr. Andrew D. White, and I more than any of you, for he was to have occupied the time this evening which I am called upon to fill.

We meet as a peace conference while a great war is raging, and just after the greatest naval battle of a hundred years has been fought, in which a dozen or more ships, with their crews of from fifty to fifteen hundred men each, have been sunk in the ocean. At such a time as this it seems to me appropriate to quote the words which are so familiar to us all:

“Watchman, tell us of the night,
What its signs of promise are.”

And there are signs of promise. One thing which has been suggested here to-day was that the very greatness of this war, with its destruction of life and its cost, would attract the attention of the world to the imperative necessity of settling international disputes by arbitration.

Two or three weeks ago I was chatting with a retired admiral of the navy in Washington, and the matter of expense was discussed. I asked him what it costs to fire a shell from a twelve-inch gun, and he said that he could not answer positively, but added, “I will call up the Navy Department.” And he did, by telephone, then and there. The answer was that it costs \$710 to put the powder and the shell into place for firing. Every shot costs at least that, to say nothing of incidental expense.

We have had our attention called to the number of arbitrations,—two hundred and more, I think Dr. Trueblood said,—which have taken place between the nations within the last century. I wish to dwell a little upon the fact that in no one of those arbitrations was there a repudiation of the award given by the arbitrators. Whether the award was bitterly resented or partially acceptable, no nation has ever repudiated an award made by arbitrators within the last century. [Applause.]

I remember having a conversation, when I was across the waters, with Lord Russell. You know the English were never satisfied with the award in the Geneva Arbitration, when fifteen millions and more were given us for the direct injury to our shipping and our insurance companies, and not half of it, or at least not all of it, was used, as they thought, for the payment of those claims. He said: “What

are your United States going to do with the balance of the money which was obtained under the Geneva award? It was given to them for the direct injury, and they have not been able to find persons who were directly injured by the Confederate cruisers having claims enough to absorb the amount.”*

Well, of course a very natural suggestion was that we could use a great deal of it in paying that extravagant award in the fisheries dispute! The point I am making is that the award of arbitrators carries the public opinion of the world to support it, and as long as this is so, no nations will dare resist the decision of a tribunal which has been fairly constituted to settle claims between themselves. Why, within our own limits I remember a year or so ago the Supreme Court of the United States decided a case in favor of the State of South Dakota against the State of North Carolina, and awarded a large sum of money. There was a grievous and earnest protest that the Court did not have jurisdiction over that controversy. But the decree was made, and on the last day the attorney-general of North Carolina came and paid the money into court and settled the judgment. There was no humiliation in that act on the part of the sovereign State of North Carolina because there was no exercise of power to compel that payment; it was voluntarily done. When you talk about power to execute a decree, the executive officer of the Supreme Court of the United States is a very small man, and he has as an assistant only a woman, and those two are supposed to execute the decrees of that Court through all this people of eighty millions. It is true, of course, that there is something back of that Court which is not back of an arbitration tribunal.

An amusing thing took place in Washington in connection with the Supreme Court last winter. A young man in the courtroom was talking aloud, making a little confusion. One of the old colored bailiffs that we have there went in and led him out, saying, “Young man, you want to come out and be still. That is the Supreme Court of the United States in there, and if they get after you, nobody in the world can help you except the Almighty, and the chances are that he won’t interfere!” [Laughter and applause.]

There is, as I say, back of the Supreme Court, something which is not back of the award of arbitrators between nations. There is back of it, as every one knows, the organized power of eighty millions of people, and if need be there is force, all the force of the nation, to compel obedience to its judgment. There is no power of this kind back of the award of arbitrators, and it is that which is liable to occasion trouble in the future. Take the Hague Convention. That, as has been said over and over again, stands as an epoch-making event in the history of international arbitration. And yet it provides for no power to compel obedience; it recommends

* Lord Russell was, of course, mistaken. Not only did the United States distribute to *actual claimants* the entire award of \$15,500,000, but the further sum of \$3,905,558.15 (less the legal expenses, \$750,193.65), which had accrued as interest. (See an article in the *ADVOCATE OF PEACE* for December, 1904, by Mr. Cephas Brainerd of New York.)—ED.

only. Let me read some of the clauses to indicate the scope of it :

"Independently of this recourse (that is, to good offices or mediation), the signatory powers recommend that one or more powers, strangers to the dispute, should, on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the states at variance."

And again :

"The signatory powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form :

"In case of a serious difference endangering the peace, the states at variance choose respectively a power, to whom they entrust the mission of entering into direct communication with the power chosen on the other side, with the object of preventing the rupture of pacific relations.

"For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the states in conflict cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating powers, who must use their best efforts to settle it."

And again :

"In differences of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the signatory powers recommend that the parties who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation."

There is recommendation, suggestion, advice to the parties, following a declaration which they have made in favor of international peace, that they do these things to settle their disputes, and further, there is a body of justices from whom a tribunal may be created. But there is provided no power to compel obedience to the award. Will it be possible ever to make the nations agree that force shall stand behind the award of arbitrators and compel the nations to yield obedience? I notice that in the program which Mr. Bartholdt, with others, is preparing for the Interparliamentary Conference in August, occurs this provision, as something which they hope to see adopted :

"The armed forces of all the nations represented, to be at the service of the Congress for the enforcement of any decree rendered by the Hague Court, according to the treaties of arbitration."

Well, it may be that that will be secured. There is one precedent for something of the kind. When the various diplomatic representatives were in danger in Peking, you know the English, the Americans, the Russians, the Japanese and the Germans combined their military forces and sent them to the rescue. So it is possible that some provision will be made by which there can be a union of the forces of the different nations to compel two disputing nations, first to submit their controversy to arbitration, and then to abide by that arbitration.

But suppose that this is not done,—for certainly it is not to be expected that the nations will agree that any one nation shall be a sort of international sheriff or marshal to execute the process of any

court; the independence and equality of the nations forbid such an expectation, at least for a generation. It would be very difficult to create a scheme by which the mingled forces of the various nations could be brought together whenever an emergency of the kind that I suggest arises. But is it not possible that there may be a compulsion which the nations cannot resist, which will be potent enough to compel every nation to submit its disputes with other nations to arbitration, and to abide by the award? Our good friend, Dr. Edward Everett Hale, who is not here to-night, told us years ago, in that story which rang through all the country, of the terrible position of a man without a country. Now, if the nations in the coming conference at The Hague, or in coming conferences, shall agree that any nation which refuses to enter into arbitration with a nation with which it has a dispute, or which refuses to abide by the award of the arbitrators selected in accordance with the provisions of the Hague Convention, or some other convention, shall be isolated from all intercourse with and recognition by any other nation on the face of the earth, can you imagine any compulsion which would be more real and peremptory than that?

Take Germany, for instance, which stands up as perhaps the great military power of the world. If all the other civilized nations would say, "From this time forward, until you submit the dispute with France to arbitration, we will withdraw all our diplomatic representatives, we will have no official communication with you, we will forbid our citizens from having any business transactions with your citizens, we will forbid your citizens from coming into our territory, we will make you a Robinson Crusoe on a desolate island!" there is no nation, however mighty, that could endure such an isolation, such an outlawry as that would be. The business interests of the nation would compel the government to recede from its position and no longer remain an outlaw on the face of the globe.

Such a procedure would involve no military force, no bloodshed on the part of the other nations. The only military force, the only bloodshed that might follow, would be in case the nation thus outlawed attempted to attack some of the other nations, when they would all unite in resisting it. The very fact that it was outlawed would place it in a position where it would have to submit; it would be compulsion, as real as the compulsion of a marshal with a writ in his hands.

You will say, naturally: Supposing that, after a stipulation had been signed by the civilized nations, a contingency should arise and one nation should refuse to enter into arbitration and should be outlawed by the others, the sympathies or interests of one of the other nations would be so strongly on the side of the outlawed nation that it would refuse to join with the rest in the outlawry. That would only add another nation to the condition of the outlawed.

In some such way as this the force which stands back of the court within a nation might possibly be exercised by the nations upon any nation that refused to enter into arbitration or abide by its decisions.

In what I have said I do not wish to be understood as disparaging the efficacy of the Hague Convention. It was an attempt, crude in some of its features, in the right direction, and it has resulted in an immense amount of good. I know that at first the Hague Court was not much resorted to. Those who eulogized it and those that were parties to it were laughed at not a little. They were spoken of as those that meant well, but did not know how to do anything; they were considered visionaries and idealists, who had a theory beautiful to look upon, but worthless in practice. In that connection, may I read some verses of a doggerel which illustrates what was thought of the Hague Tribunal for a while. It is entitled

A LAST FAREWELL.

"A soldier" of the powers was on picket in Algiers,
(Or China — any place you choose that finds a rhyme for tears);
The battle had been bloody and the rival allies lay
On gory blades, preparing for another one next day.
A figure from the darkness crept, a figure stern and grim,
Approached the watchful picket where he stood, and spoke to him:
"I pray you bear this message to the Powers, where they lie,
For I'm the Hague Tribunal, and I've come to say good-bye!"

"Pray, Soldier, drop a tear for me, and bless me ere I go;
I tried to take your job away, but you'll forgive, I know.
Men petted me and cherished me, and cried me for a boon,
But now I see that I was born a century too soon.
We part and may not meet again; I bid you my farewell,
And when again you see the Powers, Soldier, you may tell —
Tell them —" his voice was broken and he smothered a great sob,
"Just tell them when you saw me I was looking for a job!"

The Hague Court did not get a job at first, and the United States was the first country on the face of the earth that gave it a job; and when it still further remained in disrepute, and a proffer was made to our President, Theodore Roosevelt, to arbitrate the Venezuela case, he said, "No!" and, turning the matter over, gave the Hague Tribunal another job. In my judgment, that giving of life as it did, new life, to the Hague Tribunal, was an act on the part of Theodore Roosevelt which will be a brighter and more enduring laurel on his brow in the great temple of fame than any strenuous life or any big stick or great navy or even any Panama Canal. The Hague Conference, even if we do not get another, — and we shall have another, for it is called, and will be held as soon as the present war is over, — has done an immense service to civilization. The new conference, besides minimizing the horrors of war, giving greater efficacy to the Red Cross and things of that kind, will have as the great question before it how to strengthen international arbitration. In one way or another you may be sure that the nations, burdened as they are with the tremendous debts growing out of their military establishments, feeling more and more the horrors of war, will be sure to demand of that conference to give in some way greater efficacy and certainty to international arbitration.

The men that were in the first Hague Conference did something which will be to their everlasting honor. The representatives of the American nation, led by Dr. White, were, we are glad to know, the strong friends of arbitration in that conference.

On the Fourth of July, while the conference was in session, on the invitation of the American delegation, the members of the conference went down to the tomb of Hugo Grotius at Delft, near which was the tomb of William the Silent. A silver wreath, given by the American Commission in the name of the United States, was placed above the tomb of Hugo Grotius, the founder of modern international law. There is a passage or two in the noble address given by Dr. White on that occasion that I am sure you will appreciate if I trespass upon your time by reading them:

"From this tomb of William the Silent comes, in this hour, a voice bidding the Peace Conference be brave and true and trustful in that Power in the Universe which works for Righteousness.

"From the tomb of Grotius I seem to hear a voice which says to us as the delegates of the nations: 'Go on with your mighty work; avoid, as you would avoid the germs of pestilence, those exhalations of international hatred which take shape in monstrous fallacies and morbid fictions regarding antagonistic interests. Guard well the treasures of civilization with which each of you is entrusted; but bear in mind that you hold a mandate from humanity. Go on with your work. Pseudo-philosophers will prophesy malignantly against you; pessimists will laugh you to scorn; cynics will sneer at you; zealots will abuse you for what you have *not* done; sublimely unpractical thinkers will revile you for what you *have* done; ephemeral critics will ridicule you as dupes; enthusiasts, blind to the difficulties in your path and to everything outside their little circumscribed fields, will denounce you as traitors to humanity. Heed them not: go on with your work. Heed not the clamor of zealots, or cynics, or pessimists, or pseudo-philosophers, or enthusiasts, or fault-finders. Go on with the work of strengthening peace and humanizing war; give greater scope and strength to provisions which will make war less cruel; perfect those laws of war which diminish the unmerited sufferings of populations; and, above all, give to the world at least a beginning of an effective, practical scheme of arbitration.'

"These are the words which an American seems to hear issuing from this shrine to-day; and I seem also to hear from it a prophecy. I seem to hear Grotius saying to us, 'Fear neither opposition nor detraction. As my own book, which grew out of the horrors of the Seven Years' War and the Thirty Years' War, contained the germ from which your great Conference has grown, so your work, which is demanded by a world bent almost to breaking under the weight of ever-increasing armaments, shall be a germ from which future Conferences shall evolve plans ever fuller, better and nobler.'"

Now, ladies and gentlemen, I am quite sure I have trespassed too long upon your attention; but let me say one thing in conclusion. I remember a story read years ago of a painter who in early life saw in a dream the face of a beautiful woman. He awoke from sleep, certain that that was the face of the woman whom he was to seek and find. Long years he traveled from city to city, from country to country. He wasted all his substance, became poor, and still he kept on; but the face never again appeared to him. Finally, as he grew old he went back to his native place and said to himself: "If I never see that face, I will put it upon canvas, that those who come after me may see the ideals of my life." So he took his brush and

pencil, and on the canvas he toiled day after day, putting upon it the ideal face which shone ever before his vision. Finally his friends, missing him, broke into the room, and there before the finished picture the painter lay dead, the pencil and brush still in his fingers, and his face turned toward the canvas.

We have before us a vision — bright as brightness can be — of the glad time when war shall cease and the whole world shall be at peace. We are pursuing that day by day and year by year. We may not live to see it; it is one of those things which is coming slowly; but at the same time there is joy in the thought of it as something for which we are toiling. Do you think that painter's life was a sad one? He felt the pangs of hunger and thirst; he felt the stings of cold; he knew what poverty and want were; but ever on the mountain tops that fair face floated before him; and when he died his face was turned to that picture, and on it was the calm repose which is the promise of eternal rest. We may not see the coming of that day, but we know what it will mean for the world. We know what a blessing it will be to humanity, and we can go on rejoicing in our toil, believing that every effort we make is bringing that time nearer when the earth will "give back the song which now the angels sing." It was a song in the night-time that sounded over the shepherds at Bethlehem, but a song in the night-time which was prophetic of a glorious anthem in the breaking light of a new day. And so, in the last lines of the hymn from which I first quoted:

"Traveler, let thy wanderings cease,
Hie thee to thy quiet home;
Traveler, lo, the Prince of Peace,
Lo, the Son of God is come!"

THE CHAIRMAN: Among the gifted sons of our country who have given much of their lives to the study of those problems that concern the betterment of the conditions of humanity, no one with whom I am acquainted has a higher place than the HON. CARROLL D. WRIGHT of Massachusetts, who for many years has filled the responsible office of Commissioner of Labor at Washington, and is now President of Clark College, Worcester, Mass. It is to his address that I now ask your attention. [Applause.]

THE WAGE-EARNERS' INTEREST IN INTERNATIONAL ARBITRATION.

ADDRESS OF HON. CARROLL D. WRIGHT.

The wage-earners of our country have taken but little interest in international arbitration, yet their concern in the subject, as a means of establishing better relations among the different nations, is one of really vital importance, and could they and their fellows in all nations be aroused to its importance, the hopes of the friends of international peace would be stimulated in great measure.

There are in the United States, in accordance with the best classification that can be made, over eighteen and a half million wage-earners, including men, women and children. This number of people constitutes a body as large as the whole population of Spain, with whom we went to war to settle a local problem. They are a body nearly three times as large as the population of Belgium or of Australasia or of Canada. By themselves they would make a nation having almost half the population of France, and more than one-half that of Italy. This body is large enough to make a nation with whom any government would seek treaty relations, or against whom war would be declared under the ordinary methods. It is so large a body that it is vitally interested in the education of the public mind when rational attempts are made to avoid conflict, whether of arms or of economic forces, and must in time appreciate international arbitration as a great school for it to imitate. And yet I have found no allusion in any of the platforms or declarations of trade unions and labor organizations relative to this great subject.

I do not believe they comprehend the moral element of arbitration, whether industrial or international; and yet this moral element is in the air and it appeals to all sane men as strongly now as in the times of Isaiah, who, seven hundred and fifty years before Christ, becoming alarmed at what he thought an impending national calamity, called important citizens of Jerusalem to him, pointed out their particular sins of omission and commission, the wrongs that had been done, and prophesied the results of their actions, and when he had made a strong arraignment he said, "Come, now, and let us reason together." The great prophet knew that by reasoning together people would come to see more clearly than by any other method the real dangers which confronted them.

Here is the keynote of all arbitration of whatever character and whatever the problems that are sought to be solved by it.

A careful study of industrial arbitration leads one to the conclusion that it is not the full solution of what we know as labor difficulties. The same careful consideration also induces one to believe that international arbitration will not solve all international troubles, yet everywhere, whenever undertaken, whenever resorted to, it becomes the exponent of the public conscience, the exponent of the great moral forces which make for the very best civilization.

Before much headway can be made, either in industrial or international arbitration, sociological differences must be more thoroughly equalized. The doctrines of protection and free trade are sociological questions as much as economic. Wage-earners see this perhaps more clearly than politicians. They see that when conditions are equalized these great trade doctrines become more easily comprehended; but until such conditions are more thoroughly equalized it will be difficult to bring the world to the basis of the highest morality in its commercial relations.

All differences excite passion of some kind. It is the same in the theological, in the educational and in every other sphere of life. As

young college men express it, there is a desire to lick somebody or get licked. If this desire becomes crystallized, then there is a declaration of war, and when war comes, whether it is industrial or political war, the moral instincts are dulled and the wage-earners are the chief sufferers.

The doctrine of industrial arbitration makes it plain that economic wars, or wars of economic forces, are disastrous in the extreme. When passions are excited, when capital and labor are arrayed against each other, all means by which one of them can thwart the other are resorted to, and in the attempt to defend these means by calling the contests between employers and employees a war between capital and labor, the parties pursue the analogies of a real war to justify the illegality of the conduct on the part of those engaged; yet the analogy is not apt and the arguments founded upon it are fallacious.

There is only one war-making power recognized in the nation, and that is the government itself. War between citizens subordinate to the government is not to be tolerated and cannot in any proper sense exist. If attempted, it is unlawful and is to be put down by the sovereign power of the state. Yet the state rarely undertakes this, recognizing, however, that the practices of the two parties are usually outside the pale of what is called civilized war, for in civilized warfare women and children and the defenceless are safe from attack, and a code of honor controls parties to such warfare; but this does not apply when the boycott and the strike and the black-list are employed.

Arbitration seeks to avoid this state of affairs, not for the sake of industrial peace alone, but for the protection of parties against loss and against those economic disasters which are sure to be the result. International arbitration seeks to avoid precisely the same condition between nations, that the great parties to the contest may go on their way in peace and the pursuit of prosperous economic production.

Production is often stimulated temporarily by war, — usually is, in fact, — but it is a feverish condition, and the after effects are such as to bring about depression, general demoralization, loss of work and hence loss of wages. The wage-earner, therefore, is thoroughly interested in the progress of the idea of settling international disputes by arbitration. He is not particularly fond of industrial arbitration, especially when it is conducted under state auspices. He is a believer in voluntary arbitration conducted by boards consisting of members of his own ranks and those of employers. The history of such matters in England for the past thirty-five or forty years is rich with the results of such measures. Great trades, as they are called in the old country — industries, as we would call them here — have had nearly forty years' experience without strikes or lockouts or any difficulties worth mentioning. Great industries in this country can show a record of from twelve to fifteen years without any strikes or labor contests, the peaceful conditions being entirely the result of agreements or treaties between the great parties to production, under which agreements all matters of differences or grievances presented by either party are adjusted by the parties themselves in a quiet,

peaceful and manly way. It is business, business of a high order, and men are more and more recognizing that such measures are far better than any form of warfare.

What the wage-earner needs more than anything else is the fair prospect of steady employment at remunerative wages. Labor contests, wars, conflicts of any kind, disturb this prospect and make his labor intermittent. Better lower wages and constant employment than higher wages with periods of idleness. When wars occur the whole spirit of reform, of reasonable adjustment, of manly conduct, is suspended, and though the feverish condition of markets may bring, as already intimated, temporary employment at high rates, there is sure to follow a period of depression and long convalescence necessary for retrieval.

Arbitration partakes of the very highest element of religion, and assumes broader and grander lines than the mere adjustment of labor troubles as they occur between employer and employee. The growth of the religious spirit in the settlement and adjustment of international affairs is an evidence that the public conscience is receiving some stimulation from some source which leads it on to a reasonable consideration of questions involving international rights, duties and obligations. This is the religious spirit; it is the spirit which comes from very old teaching; it is the Pauline method of adjusting difficulties in the church, and it is now become the universal method of settling difficulties between employers and employees; and now the spirit is going up higher into the work of nations themselves. This means a new patriotism—that patriotism which is born of a pure religious spirit; it means devotion to a higher principle; it means the patriotism of personal sacrifice, and it is a higher type of patriotism than that exemplified on the battlefield.

I wish the wage-earners as a whole might comprehend this new phase of the religious spirit, and, when they can see their economic interests in it, I believe they will understand and comprehend it.

I said that, so far as I could find, there were no allusions or declarations relative to international arbitration to be found in the platforms of trade unions, but the American Federation of Labor has taken a stand which it is interesting to note. Mr. Samuel Gompers, the able president of that great body, which comprehends one-ninth of the wage-earners of the whole country, recently has given utterances relative to international peace, and his words are worth quoting here. He said:

“True to the highest and best conception of human life, the trade-union movement, from its first inception, has been opposed to war. It recognizes that though others may fall, the brunt of war is borne by the working people, not only upon the battlefield itself, but the burdens thereafter which war entails. We cannot be indifferent to, restrain our feelings of horror at, nor withhold our sympathies from, the slaughtered thousands of human beings even in the far East, regardless of the country toward which our predilections lie. * * * We welcomed the establishment of the International Court of Arbitration at The Hague. We recognize that in the last analysis, and in order to prevent any reaction that may lead to greater and more repeated wars and bloodshed, the success for international

peace by arbitration must come from higher intelligence and a better conception of the sacredness of human life. * * * In the broad domain of human activity there is no force so potent and which will be so powerful to establish and maintain international peace and human brotherhood as the fraternization of the workers of the world in the international labor movement."

Mr. Gompers expresses himself so strongly in this matter that it may be considered as the utterance of the whole body of wage-workers in this country.

It is very hopeful and very gratifying to know that the workingmen of Germany and France have taken a very strong stand in favor of international peace to be secured through the methods of arbitration, and even in this country at recent peace conferences our wage-receivers have taken prominent part and uttered no dissenting voice to the propositions so ably advocated by this Conference.

When it is understood that many of our great labor organizations are international in their character, and that when there are congresses of labor, representatives from all parts of the world are brought together to consider the interests of the wage-worker in the broadest sense of fraternization, we must conclude that their influence finally in establishing international arbitration as a principle is of the greatest importance, not only to them as workers, but to the whole world at large.

THE CHAIRMAN: Ladies and gentlemen, I have the pleasure of presenting to you a member of this Conference from the State of Maryland, HON. JOHN VAN LEAR FINDLAY of Baltimore, a member of the United States-Venezuelan Arbitral Commission of 1890.

ENCOURAGEMENT FROM THE GENERAL EVOLUTION OF SOCIETY.

ADDRESS OF HON. JOHN VAN LEAR FINDLAY.

Mr. Chairman, Ladies and Gentlemen: It is a pleasure and a privilege, and I may say an inspiration, all three, to be permitted to meet once more in the midst of these beautiful surroundings, under the cheerful leadership of our hospitable host, who seems to gather from advancing years new strength and a fresh consecration to the great cause for which he has contributed so much of his time and means. There is one fact associated with him and his work that continually pushes to the front, and that is the fact of the splendid development in the course of which a man is taken out of the narrow circle of self and evolved into a larger creature, with ever-expanding sympathies, until in time they come to embrace the whole vast circle of human interests. The stages that mark the progress of this evolution are, first, the family, where a man learns to cultivate the purest and most unselfish affections; then the community of which he is a more immediate member, where he learns to discharge the kindly offices of neighbor and friend; and then the state, where he becomes a faithful and progressive citizen, and then, broadening out into the

national field, the country, where the citizen becomes the zealous patriot; and then broadening out still more into the family of nations, where this growing catholic spirit finds its fitting and perfect consummation. These annual conferences, too, are milestones on the highway of progress, which record the advance of a movement in which this universal spirit of brotherhood finds its most gracious expression.

Sometimes the heart grows sad and faint under the burden of disappointment and failure, and surely just now it is rather a poor showing for peace, and the most important agency which has yet been devised for its promotion, when the Eastern world is aflame with the carnage of war, and those treaties upon which we had set our hearts so strongly have failed for the time being of final passage. But consider here, too, the lessons that evolution teaches for our encouragement and consolation, and what a striking parallel there is between the development of man into a broader and more cosmopolitan creature, and the stages through which justice ripens to perfection. We are apt to rate progress by the time it takes to achieve a great reform, but that is not the true standard; the true standard is the value of the thing contended for, and its worth when finally accomplished. Time is nothing to Him who has eternity to work in and work out the vast and complicated problems of the universe. Looked at from this standpoint, it is but a short time—the fact is we might say no time at all—since men, instead of settling their private disputes by the ordinary procedure of trial by jury, resorted to violence or bloodshed, directly or vicariously by the wager of battle. And as for the settlement of international disputes in any other way than by the sword, that was a thing unheard of, you might say undreamed of, even by the seer of largest vision and loftiest hopes.

There are many men here present who can recall the time when the immediate vicinity of the capitol at Washington was the scene of frequent passages at arms between men occupying high public stations, and who thought that was the only way by which the outraged spirit of personal honor could be appeased. But we have outlived the duel. Now, what was responsible for the duel more than anything else was a morbid public opinion which supposed that satisfaction for personal honor could only be obtained in this way, and just as soon as a more rational and healthy sentiment was substituted for this morbid and vicious effusion, the victims of the duel, counting among their number some of the brightest intellects of the country, began to diminish and rapidly disappear until they vanished altogether. Honor is satisfied in some other way, and as for claims for money compensation, they are all settled by judgments that are never even called into question for a moment.

The moral of all this is that if it has taken thousands of years, as we reckon time, to bring about these results, then there is no occasion for discouragement at the present status of international arbitration. Man is a fighting animal by nature, and will continue so until his nature is changed, and we all know that conversion is a slow work. Not only

man, but the whole range of animated nature, is instinct with the same spirit of combativeness, and everything that walks or crawls or flies or swims will fight — sometimes must fight as a condition of respectable existence. We must not confound, therefore, the cause of international justice with the cause of universal peace, although if universal peace is to be finally established, international arbitration will be the quickest way of establishing it. [Applause.] We know that we are on the right path. There may be occasional relapses into the old barbarism, but we know that there is no such thing as absolute uniformity even in the processes of nature. The sun, the great fructifier, rises, and has risen to his appointed place in the heavens for countless ages, without the variation of a millionth of an inch; but the cyclone and the earthquake break out where they please, and pursuing a wild and eccentric course, destroy in one blind moment the noblest creations of man and the loveliest handiwork of nature herself. But the world and its ongoings are regulated by an experience founded upon the uniform beneficence of the sun, and not upon the blind caprice of “the wind that bloweth where it listeth,” nor upon the earthquake that occurs every now and then to remind us that we have no abiding city here, but seek for one yet to come. The thing we need to feel is that we are on the right path, and in view of the elastic range of the Monroe Doctrine and of the new attitude of the United States as a world power, with those dusky wards of ours in the Middle and South Pacific to take care of, and with that inter-ocean canal soon about to open and to bring us into new relations with the commerce of the world, the United States has a more vital interest in this question of arbitration than any other people in the world.

It was not by a mere accident we became a world power. The Spanish War, simply by a sudden flash, lit up the darkness and revealed to us our true position with relation to the economic forces and jostling policies of modern civilization. Occupying the position that we do, midway between Europe and Asia, beholding the sun as he rises rounded and red from the bosom of the Atlantic, and following his imperial course across the continent, until with level beam he kisses into light and life the distant waters of the Pacific, the people of the United States, with ever-growing relations of greater and greater complexity to the eastward and the westward and the southward, too, a people compounded of the best bloods and beliefs of all the ages, possessed of a virgin soil, scarcely scratched by the crude hand of the savage, of a virgin empire free to be developed along original lines, untrammelled by old-world traditions, logically the oldest people on earth, as the inheritor of all the wisdom and experience of the past, chronologically not less the oldest, as the last to appear in the long line of national succession,—how could a country with so many and such vital points of contact with the outer world, and a people of such suggestive origin, be anything else than a world power! You must change the whole physical formation of the globe, hollow out new basins for the oceans, readjust the relative positions of the continents, reverse the social and political influences which

have made the American people what they are, before you can write a new destiny for the United States.

The possession of power, like the possession of money, is not a disgrace. Some good people I know think so, and further seem to recognize in the acquisition of this power, and in the tendency to hold on to it, a degeneracy of the republic, and the final downfall of constitutional government. I cannot agree with them. I rejoice, on the contrary, that the United States had the courage and the foresight to assume her station among the nations of the world which Providence intended her to take. As in the use of money, so in the use of power, will be felt the honor, or the disgrace, of the possession. Just now the United States is recognized as the most potent factor in the chancelleries of Europe in moulding the future in favor of international justice, and she exerts that influence simply because the self-centred parochial isolation of the early days of the republic is a thing of the past. The problem before us is to make the virtue of the people equal to their power, and then to throw this splendid power which we possess, both at home and abroad, always on the side of righteousness, which exalteth the nation.

THE CHAIRMAN: We have with us this evening, as a member of this Conference, a gentleman from the State of Alabama. We have heard from New England, and now we want to hear from the other extremity of our great country. HON. GEORGE W. TAYLOR, who represents one of the districts of Alabama in the Congress of the United States, will now address you.

A REGULARLY ORGANIZED INTERNATIONAL COURT NEEDED.

ADDRESS OF HON. GEORGE W. TAYLOR.

Mr. Chairman, Mr. Smiley, Ladies and Gentlemen: It is a good habit of all good Americans to pay debts. I approve it, have tried to follow it, and it always made me happy. But to-day the generous hospitality of our host, his invitation to be one of this Conference of distinguished Americans, my presence here, have put upon me a debt I can never hope to repay in kind. Happily for us all the only payment accepted is a genuine American article, a helping hand for peace and goodwill toward man, and a good word for international arbitration on all occasions.

As a rule, I have been in thorough accord with all of the resolutions and most of the sentiments of this Conference. But I cannot assent to the turning of your guns on the United States Senate. Somehow guns seem out of place in a peace congress. Neither bullying nor word-pelting ever yet influenced for good any intelligent body of men. The text of the arbitration treaties is not an American document and was not written by Mr. Secretary Hay. He was in

no wise responsible for it. It was drawn up by certain European diplomats. I am proud of our Senate. My respect for it is inherited and has grown and increased as my acquaintance with its splendid history and present membership has grown. The Constitution conferred the power and imposed the duty of making treaties upon our Senators jointly with the President. Constitutionally the President cannot make a treaty without the advice and consent of the Senate; possibly, under the Constitution, he ought not to ignore that advice nor seek to enforce singly a power conferred *jointly*, with well defined limitations, even naming his advisers. The amendment proposed by the Senate was very slight and very simple.

In treating-making the Senate, *jointly* with the President, has in charge the honor, the welfare and the flag of our nation. As color bearers it behooves them to carry the flag thoughtfully as well as bravely. They were acting entirely within their sphere in advising amendments, and were honor bound to be cautious. The Constitution confided in their advice and consent, *their judgment*. It was right for them to exercise *their own judgment* in performing this duty. It appears to some to have been "a tempest in a teapot"—a quibble over dignity. I cannot see it that way. It all depends on the point of view. It was the duty of the Senate to think, to deliberate and to advise. They did it bravely and well, and, I trust, wisely too.

Ideas are born and grow, they come and go, we know not whence, nor where, nor how. It has been told that William McKinley, the Union soldier, was wounded, captured and imprisoned in a Confederate prison. While in hospital he was initiated a Mason by Confederate soldiers. More than thirty years after, William McKinley, the President of the United States, expressed the wish that the flag of the nation should be planted over the bones of the Confederate dead. Thus seeds of kindness born in the breast of the Confederate soldier, in a Confederate prison, blossomed in the heart of that great American till they burst out in their fullness to be the most beautiful sentiment of the last year of the nineteenth century. Influenced by this sentiment, away to the East and far to the West, the sons and daughters of the South are roaming, and into the South from North, East and West many a son has come to live in love and brotherhood with him who once was, and might still have been, his bitterest foe. All for the good of this nation and of all other nations and the betterment of humanity, and for the wiser and better solution of great problems which can be finally solved at home and abroad only by the complete reunion of the blue and the gray.

I, too, have been a soldier and have felt all the glory and all the horror of war. I have also seen and felt, and now see and feel, the splendor and the happiness of peace, and I love it with all my heart. I learned the lesson of peace under the "Big Stick." It is a good, strong teacher, and what you get you hold on to, and encourage peace at home and abroad.

It may seem inconsistent, but I favor a good navy—what some would call a big navy. I voted in the last Congress for two battle-

ships, and do not regret it. They will cost \$10,000,000 perhaps. If a better or more practical plan for peace had offered I would gladly have doubled the appropriation to \$20,000,000 for peace without battleships. I favor a navy to maintain peace and to enforce the mandates of an International Court of Arbitration. The boycott has been suggested this evening as the power to control nations and enforce the decrees of the Hague Tribunal. I cannot assent to this proposition, no matter how earnestly urged nor how high and able its advocate may be. The boycott will not do. It is vicious in principle and would prove worse in practice.

You must look further and deeper into humanity for the force to enforce international judgments. You have been told by one of our Justices that the mandates of our own Supreme Court have for years been executed by a baton in the hands of a woman. And why? Because behind the woman stands that great creative force of civilization, legislative power, the national legislature, which created the Supreme Court itself, and is founded in the confidence and respect of all the people.

Arbitration is the very spirit of justice. I believe in it for itself. I believe, also, in international arbitration, compulsory and plenary, to be administered by an international court. But I further believe that such a court, to be of benefit, can only be created and established by legislative force proceeding from a regularly organized legislative body of the world's representatives, formulating the public opinion and will of all the nations and thus commanding the respect and confidence of all the people. A court so organized can enforce its own judgments with a baby's rattle.

No argument is needed to convince an American audience that international arbitration is the best substitute for war which human intelligence has yet suggested. We are all agreed that wars must cease. How to stop them and put the substitute in motion is the great question. Early in life I learned to love and revere Stephen Decatur, perhaps the first American who helped to make international law. When he crossed the ocean he found to his amazement that the European idea of international law recognized piracy — that some, even of the great nations, paid large annual tributes to the pirates of the Barbary States. To such a condition Decatur promptly dissented and vigorously injected an American idea into the law of nations. He broke up piracy and made peace on the Mediterranean Sea. He did not do it by speech-making nor diplomacy, nor yet by arbitration. He did it with a navy, which we for many years allowed to go out of use. All honor to the stout old sailor! May his memory live forever in American hearts!

Our navy is being rebuilt, and I am glad of it. There is more danger on the Pacific Ocean with absolute disarmament than ever there was on the Mediterranean Sea. I do not mean from the nations through organized war, for under the influence of this Conference I am beginning to accept as a reality what for years has been a dream, — that human effort and intelligence can and will invent some

preventive and make an end to wars between nations. But the stopping of war will not stop murder, nor altogether reform humanity. An unprotected merchant marine sufficient to carry the commerce of the Pacific is too tempting for the cupidity of man to resist in this or any other age. "Man's inhumanity to man" is not a mere echo from the past; it stalks abroad in the present in the boycott, the strike and the lockout, and threatens and overshadows the future with the awful cloud of anarchy and assassination.

One real, substantial obstacle to international arbitration is lack of confidence in international law, made up and interpreted as it has been in the near past. I am not surprised at it. International law recognizes war as a legal and legitimate remedy, and under its sanction nations indulge from time to time in naval demonstrations to collect debts and damages. What the people want is legislative power given to the representatives of all the nations, authorizing them to create and enact law for the nations, and to create and establish courts to interpret and a proper power to execute them. In short, courts alone have not the power to enforce their own judgments. Nor does it seem wise they should have. Nothing short of creative force, legislation, can do this.

I have an abiding faith in the capacity of present civilization, especially our own. When we look from the windows of this beautiful hotel upon the lovely scene without, an object lesson in civilization, and see what one American has done with a bald mountain top in a few years, what cannot eighty millions of Americans do, if they try? Who will attempt to put a limit on human effort in the twentieth century? Some years ago the English people were railroad building in Siam or Burmah. Several large bridges were to be constructed, and the lowest bid of the English engineers was "three million dollars and two years' time." An American stepped up and demanded his opportunity, and said, "I will guarantee to do the work in six months for half the money." They sneered at him and called it American impudence, but accepted his offer, requiring double gilt-edged security. In six months the bridges were built and cars were running over them, and they were admitted to be the best bridges in India.

Now what does this Conference propose? Is it not the building of a bridge, not one of "sighs," but of *size*, spanning the oceans and belting the continents, connecting all the peoples—a bridge of Peace. The nations are ready for it. The hour has come. Proposals are in order, bids are coming in and some will soon be opened. Let the United States take it up, fix her own price and date. Let us all join hands and the bridges will be built, and peace will reign on the earth forever.

One thought more. This is a grand gathering and a great Conference upon a great and world-wide question. You have accomplished much, and I congratulate you.

THE CHAIRMAN: We have with us to-night MR. JOHN MURRAY CLARK, K. C., a member of the Bar of Toronto. I am sure it will be a pleasure to hear a voice from the other side of the line.

ARBITRATION NOW A MATTER OF WORLD POLITICS.

REMARKS OF MR. JOHN MURRAY CLARK.

Mr. Smiley, Mr. Chairman, Ladies and Gentlemen: I wish first to thank Mr. Smiley most cordially for the great honor he has shown me in asking me to be present at this Conference, a privilege which I have enjoyed more than I can say. I desire also to thank you, ladies and gentlemen, very heartily for the flattering reception you have accorded me, though I am well aware that the friendliness of that reception was not due to myself individually, but to the kindly reference made by your Chairman to the fact that I was a Canadian, though, of course, I do not speak in any representative capacity.

I wish to express my hearty sympathy with the beneficent movement which is represented by this Conference and with the ideas which are promulgated here. This Conference has a widening and increasing influence not only in this great country of the United States, which my friend, who just spoke, described, whether justly or not I shall not say, as the most advanced nation in civilization, but also throughout the whole civilized world.

International arbitration has now become not merely a matter of interest to those nations which claim the leadership in civilization, but a matter of world politics. In fact, the weaker nations are even more interested in the progress of the movement for international arbitration than the so-called Great Powers.

One of your speakers mentioned that he had pointed out with justifiable pride to some European visitors to the United States that there was a great boundary of thousands of miles between Canada and the United States in connection with which there was no warship, to maintain which there were no forts and no guns. As far as warships are concerned, the matter is governed by the Treaty which stipulated that there should be no warships on the Great Lakes, etc.; but as regards the land boundary, the matter is governed by the good sense and justice of the two great peoples on either side of the boundary, and I think their good sense will always be a sufficient guarantee that the present happy state of affairs will continue. If this Conference does no more than to ensure its permanence, all its efforts will be more than fully repaid.

Another of your speakers referred to the feelings of respect with which he regarded your Supreme Court, of which we have a distinguished member with us. This respect is shared by me, is shared, I may say, very fully by every student of jurisprudence throughout the English-speaking world.

Among the many notable contributions which the United States

has made to the cause of International Arbitration, I think one of the greatest is its Supreme Court, which in certain respects may be regarded as a Court of International Arbitration. This becomes strikingly apparent when you recall the noble history of that Court and remember that at one time the original States were really nations, and that there was the greatest difficulty, as every student of American history knows, in constituting a supreme power and authority which could finally determine differences between those States which so jealously regarded their sovereign rights.

Reference has been made to the power of public opinion in enforcing the awards of international arbitrators, and to the fact pointed out so eloquently by Mr. Justice Brewer, that this public opinion has been powerful enough to ensure that every valid award made within the last hundred years has been fully observed, notwithstanding expressions of dissatisfaction. I well remember hearing expressions of dissatisfaction with some of these awards, but no suggestion that they should not be carried into effect, no suggestion of repudiation. Canadians, I think, would with few exceptions accept without hesitation a judicial decision by the Supreme Court of the United States on disputed legal questions as between the two countries, so great is their well-founded confidence in that Court. In fact, the dissatisfaction in Canada with the most recent of these awards, which of course I shall not discuss, was because the United States did not appoint members of your Supreme Court or jurists of that class as your representatives in the arbitral tribunal. I am, of course, not expressing any opinion as to the qualifications of the members of the tribunal referred to, and the point I desire to make is that even in that case there was no question of the award not being carried out.

The analogy of ordinary legal decisions affords strong grounds for taking courage with reference to the question so ably discussed here by Mr. Justice Brewer, of enforcing the awards of arbitral tribunals, for originally there was no direct way of enforcing such decisions. The present methods of executing judgments appeared at a comparatively recent date in the history of our jurisprudence. Originally the only effect of a man's refusing to obey the decision of a court of law was that he became an outlaw and ceased to receive the protection of the laws.

In the case of the decisions of ordinary legal tribunals there has been a steady development of the means of enforcing decisions reaching the culmination which has been pointed out. Similarly we may reasonably believe and expect that an efficient method of enforcing the awards of arbitral tribunals will be evolved and meantime we may rely on developing a force of international public opinion which in itself shall be sufficient to compel all nations not only to submit differences to arbitration, but also to compel them to accept and carry out the decisions of arbitral tribunals to which such differences may be referred.

I shall not attempt, after the speeches you have heard, to discuss exhaustively any of the great questions propounded. I merely desire

to thank you and to express as a Canadian the feelings of goodwill which my countrymen entertain towards the great kindred people which are specially represented in this Conference. Canadians, as a rule, are heartily in favor of international arbitration. It may be said that this is because we have on our borders a mighty nation of over eighty millions, but the reason has no relation to the greatness of the United States. Canadians are in favor of international arbitration, not because of any sense of weakness, for we are proud to be part of a mighty empire of over four hundred millions, but because we believe in justice, in the advance of civilization and in the substitution of reason for force. I am not disputing for a moment what has been said as to the greatness of the American people because to a very large extent I agree with what was said. In fact, no one who has read American history and the wonderful record of your marvelous development can fail to appreciate the immense possibilities which are before you as a people. I was glad, therefore, to gather from the expressions of those who wield legislative power in your country, that it is fully realized that all this greatness imposes upon you a corresponding responsibility that your great and increasing power, your great and increasing influence as a world-power, will be forever exercised in the promotion of the noble cause of international arbitration as a means of advancing the civilization of the world.

The Chairman then introduced MR. JOHN B. CLARK, Professor of Political Economy in Columbia University, New York, and author of "The Philosophy of Wealth" and other books on economic subjects.

POWERFUL AGENCIES WORKING FOR THE PEACE OF THE WORLD.

ADDRESS OF PROF. JOHN B. CLARK.

Mr. President, Ladies and Gentlemen: Watching the progress of that clock, I hoped I was going to escape, and I can give you a promise that I will let you escape very soon. I hesitate to call your attention to anything so traditionally dry as a truth of the so-called dismal science, yet that is the only thing I can talk about, and it becomes my duty, if not so much my privilege at this late hour, to remind you that the cause for which we are working has some very powerful agencies working for it.

Although we were once appalled by the very magnificence of our aims, what we are trying to do is in reality much more modest than what many reformers are trying to do; for in order to succeed it is not necessary for us to overcome and subordinate the materialistic forces that are at work in the world. We have not the necessity upon us of raising idealism and enthusiasm to its utmost power and subjecting self-interest and all the sordid things of the earth in order that our cause may triumph. On the contrary, the greater

material interests are on our side and are working for us so powerfully and coöperating with the higher motives so effectually that we ought to expect a rather early triumph of our cause. While many another cause is the subject of doubtful warfare; while business is still dishonest and politics corrupt, and while human nature is what it is, with a full and melancholy measure of depravity in it, we shall witness the coming not of an earthly paradise, but of an imperfect state of growing civilization in which the judicial combats to which the nations resort in order to settle points of justice shall be things of the past. We shall settle our differences by a court under a law.

Now, in the earlier conferences which it has been occasionally my pleasure to address, I have endeavored to present the view of an economist as to what would naturally compose the various steps of approach to that consummation, and I shall not try to repeat that at the present time, though some things have recently happened which I should like to dwell upon more than at this late hour I shall have the heart to dwell upon anything. Commerce does much to bind the nations together. The growth of capital and the ignoring of national boundaries in the investment of capital do much, and the world-wide extent of the operations of the great corporations does much. A thousand things that I cannot touch upon are causing the earth to take the shape of a limitless economic organism in which the lines that separate different states from each other are gradually fading. They will remain as lines for certain purposes, but they will not sharply divide the material interests of humanity; and as those interests draw us closer and closer together and create in the world at large an organism akin to that which exists in the case of every separate nation, the necessity for a mechanism which shall avoid the disruption of that organism will become more and more pressing.

It is worth while, I think, to take account of the amount of progress that we have made up to a very recent date, and then, possibly, I may venture to give a brief account of the amazing progress that has been made within a very few days. I refer to the coming of what I consider the fairer prospect of peace over the great continent of Asia, and in Europe and America in consequence of their relations to Asia, by means of something that has been accomplished not with fair words, but with a stupendously big stick. We may consider that we have reached a point where aggressive movements between civilized nations aiming to rob one another of territory are things of the past. We have some right to conclude that insults — injuries to national honor — if not completely things of the past, will be comparatively rare in the future and will not take the dimensions which will necessitate war.

In the relations of Europe and America to the remainder of the world there is the danger of hostile actions. We have undervalued the wars that arise in that way and have been taught a lesson in that connection. The graver complications which European nations have recently had with each other have come from their several relations to those other portions of the world which they do not regard as en-

titled to the protection of international law. Attempts at aggression have recently been tried in the territory which has the capacity for furnishing more dangerous issues than any other portion of the world, — the great continent of Asia. Most of this continent, while not entirely unprotected by international law, has not been within the full scope of its action. From this time on Asia is more fully under the protection of that law, and an economist could not do otherwise than regard as, from his point of view, the most decisive contest of modern times the naval battle that has recently taken place off the Asiatic coast. Not merely is it a peace making measure, in the sense that it creates a strong inducement for stopping this present war, but it brings about a state of affairs in which the most dangerous complications that we know anything about are in a fair way of being permanently removed. The twenty or more great ships that have found their way to the bottom of the sea ought to represent and probably will represent the very last forcible effort to subordinate Asia completely to European interests [applause], and those which fought on the other side and are now afloat and triumphant attest with equal emphasis the fact that Asia has rights of its own, a disposition to assert them and power to defend them. It means that there will be an economic development in Asia which never could have come as quickly and successfully under any other set of conditions. What lately seemed possible, if not imminent, was the dismemberment of the great Chinese empire and the subordination of it to European policies. There had commenced an exploitation of a portion of it, on the south by one European nation — a very good one; on the east by two nations — good ones also; on the north by a very great nation — good, I suppose, if we bar some of its governing elements; and every one of those steps of aggression would have meant the subordination of an enormous area with a teeming population to the policy of some other country. At present, if we do not have in full measure what is called Asia for the Asiatics, we shall have Asia for herself and for the world; we shall have Asia as a great and independent power developing along economic lines under the brilliant leadership of Japan. It will develop more rapidly, it will assimilate to itself western civilization more quickly, brilliantly and completely under that leadership than under any other that it is possible to suggest. Under its independent government, if left wholly to itself, it would still stagnate, as it must do under a policy which involves the exclusion of all foreign economic influence. Under the friendly leadership of Japan, it is likely to have a rapid development. A brilliant Chinese politician once asked a foreigner: "Why do you wish to wake us up? If you wake us up, we shall go fast and we shall go far — farther than you wish!" Not farther than all sound and generous minds will wish. As Americans we can afford to take the lead in welcoming that portion of Asia and Asia as a whole to the grand family of nations, to bid it come into that family on equal terms, and pursue its own independent development both economic and political.

The Conference then adjourned till 10 o'clock Thursday morning.

Third Session.

Thursday Morning, June 1, 1905.

The Conference came to order at 10 o'clock.

THE CHAIRMAN: If there is any morning business before the addresses, it will now be received.

RAYMOND L. BRIDGMAN of Boston: I have a resolution which I would like to offer. It is as follows:

Resolved, That this Conference, in order to help promote the organization of the world as one political body, hereby gives its cordial support to the proposition of the regular international congress which has already an assured place in the program of the second peace conference at The Hague; that the Conference hereby invites the members of the legislatures of our several states and the legislative branches of the government to declare their support of it.

I move that this be referred to the Business Committee for their action.

THE CHAIRMAN: It will be so referred.

HAYNE DAVIS of New York: I should like to say to this Conference that I have received a letter from Mr. Bartholdt, Chairman of the Delegation of the United States to the coming Interparliamentary Conference. Mr. Bartholdt is in Europe for the summer, and will attend the Thirteenth Conference of the Interparliamentary Union at Brussels, beginning on the 28th of August. You are all acquainted with the work and purposes of the Union, and also know what efficient service Mr. Bartholdt has rendered in organizing a Group of the Union in the United States Congress, and also in connection with the Conference of the Union in St. Louis last September.

I propose a resolution that this Conference endorse the propositions of the American Arbitration Group of the Interparliamentary Union and congratulate Mr. Bartholdt and the American Group, and assure them of the hearty sympathy of this Conference, and I suggest that a cablegram to this effect be sent to Mr. Bartholdt, as President of the Arbitration Group in the United States Congress and of the American Delegation to the Interparliamentary Conference at Brussels, and I move that this resolution be referred to the Business Committee.

THE CHAIRMAN: The resolution and proposition of Mr. Davis will be so referred.

The program of the morning session will be opened by an address from our friend, HON. HENRY B. F. MACFARLAND of Washington, one of the three governors of the District of Columbia, President of the Board of Commissioners.

THE ARBITRATION TREATIES LAID BEFORE THE SENATE LAST WINTER.

ADDRESS OF HON. H. B. F. MACFARLAND.

Mr. President: Edmund Burke was not more hostile to the regicide peace than many members of this Conference are to the benevolent peace which has hitherto prevailed in it. They come here saying, "Peace! peace!" but they want no peace; on the contrary, they either want to fight or they want to look on as benevolent neutrals. One of the members of the Conference said to me last night that he hoped I was going to "throw a bombshell into the Conference this morning so that we might have a lively scrap." Man — and man embraces woman, in this respect at least — is not only a fighter, but he loves to see others fight; he loves variety. You remember, Mr. President, that when the boy in school was asked what polygamy was, he said it was the case of a man who had several wives, and when asked what the word was that defined the case of a man who had only one wife, he said, "Monotony!" Sir, there is something within us all which resents monotony. Here, under the sweet influences of the Mohonk Group, sweeter than any influence of the Pleiades could ever have been, under the influence of our noble host and of his wife, who is always present in spirit, although to our regret she is not present this year in body, and of Mr. and Mrs. Daniel Smiley, it is very difficult for us to keep up our warlike spirit; even military bugles are tamed, and instead of calling us to war, call us to prayers and also fortunately to meals.

I think as we come up the mountain we may be reminded of the Salvation Army wedding. You know the Salvation Army turn everything to spiritual account, even weddings. They have weddings in public; of course that does not differ very much from the conventional wedding, but they try to utilize them for spiritual purposes, and after all that is scriptural. We all remember the marriage at Cana of Galilee. In the Salvation Army weddings they always have the bride and groom say something which may be edifying to the audience. At one of their weddings in Philadelphia last winter, I was told, there was a very young bride and a very young groom, just young officers who had recently joined. They were very nervous, and when the young man was called upon to say something, he said all he could think of was a verse from the Bible. The leader said that would be just the thing; so the young man said, "There shall be wars and rumors of wars." Then they called upon the bride: she was blushing and nervous, and she said, "All I can think of is a verse of a hymn." The elder said that would be just the thing, so she said:

"This is the way I long have sought,
And mourned because I found it not."

Certainly the latter sentiment is in all our hearts as we come up, and there is also that secret feeling back of that, that we do hope

there will be a war in the Conference, such a hot debate as we had last year. We love peace and pursue it, but we do not always want to catch up with it or to stay with it indefinitely.

Last winter in Washington two colored women were overheard talking in the car. One said to the other :

“ I heah you all leff your husband ; that so ? ”

“ Yes.”

“ Why you leave him ; did he beat you ? ”

“ No.”

“ Was he mean to you ? ”

“ No.”

“ Then why did you all leave him ? ”

“ O, I jess nachally los' my taste for him.”

Now we can get tired even of the monotony of peace, and I suppose if the time ever comes when the war flags are furled and the war drums cease to throb, and we have the Parliament of Man, the Federation of the World, we shall still have fights. They may not be with guns and swords, but you can have just as bitter fights without guns and swords and just as fatal results. We fight in the church, we fight in the state, and we shall probably fight in the Parliament of Man and in the Federation of the World.

I wish it were to be my good fortune to throw that bombshell this morning, so I might have the honor of starting a fight, but I have been bound over to keep the peace even with Boston this year (that deprives you of some very good Boston stories I have heard since last year) ; the court of last resort in my household decided that I must not fight.

I was asked by the managers of the Conference to divest myself of personality and present a historical review as to the arbitration treaties laid before the Senate last winter, which might furnish simply the point of departure for the more interesting speakers who were to come after me, and who, I hope, will give the belligerents of the Conference the pleasure for which they are waiting.

Last year, I expressed the hope and the belief that President Roosevelt, whether he was reëlected or not, would conclude general treaties of obligatory arbitration, with all the powers willing to do so, and would submit them to the Senate, and also that the Senate, especially if he were reëlected, would probably ratify those treaties. Certainly, President Roosevelt has met fully the expectations of last year's conference by asking for a new Hague Conference as well as by negotiating the treaties to which reference has already been made. There were ten of them, not six or eight as the newspapers have stated, and the Senate ratified every one of them, but as you know, with an amendment which required that in each individual case a new treaty should be submitted to the Senate and ratified before the arbitration could be had. Thereupon the President, with the cordial assent of Secretary Hay, filed the amended treaties in the archives of the state department, where they will probably remain forever, thinking it unwise to ask the other parties to the treaties to accept the Senate amendment and finally exchange the ratification. The Senate held that a step

forward had been taken. The President stated publicly that to confirm the treaties as amended would be a step backward. The friends of international arbitration divided on this question, but it seems evident that the cause of international arbitration was not on the whole set back by the incident, if indeed it was not advanced, as I believe it was. Certainly the negotiation of the treaties by the President had a most encouraging effect and its happy influence will not be lost.

The United States, which brought about really the establishment of the Hague Tribunal and brought the first cases before it, was once more given unique distinction by concluding the largest number of obligatory arbitration treaties ever secured at one time. The treaties were with Great Britain, Germany, France, Italy, Austria-Hungary, Sweden and Norway, Switzerland, Spain, Portugal and Mexico. They were practically duplicates of the treaties concluded by Great Britain with France and other countries, and copies of one another. All of them were signed at Washington, all of them negotiated by Secretary Hay with the ambassadors or the ministers of the countries entering into the negotiations, and it was perfectly understood that all the countries signatory to the Hague Convention, and any other countries that desired, were most welcome to come into these negotiations. As a matter of fact, the President had not ceased the negotiation of such treaties through the Secretary of State when the Senate's action was taken. The treaty with Japan was signed on the very day upon which the Senate amended the treaties, but it was not sent to the Senate for that reason. The first one was with France on the 1st of November; the next with Switzerland on the same day; the next with Germany on the 22d of November; the next with Portugal on the 23d of November; the next with Great Britain on the 12th of December; the next with Italy on the 14th of December; the next with Spain on the 31st of December; then came Austria-Hungary on the 6th of January; Mexico on the 18th of January; and finally Sweden and Norway on the 20th of January. They provided, first, that differences of a legal nature, or relating to the interpretation of treaties, which diplomacy could not settle, should be referred to the Hague Tribunal, provided that they did not affect the vital interests, the independence or the honor of the two contracting states or the interests of third parties. Second, that in each individual case a special agreement should be concluded, defining clearly the matter in dispute, the scope of the powers of the arbitrators and the periods to be fixed for the formation of the arbitral tribunal and the several stages of procedure. Each treaty was to last five years. In submitting them to the Senate President Roosevelt said in his message :

"These conventions do not go so far as I could wish in scope or object, but they form, taken together, a very important step in the progress of the world toward a policy of peaceful solution of such differences as cannot conveniently be settled by diplomatic negotiation. Their very limitations, which seem objectionable to many advocates of a policy of arbitration, are not without compensating advantages. They commit none of the contracting parties to any action in opposition to their national interests, their policy, or their aspirations. Their principal value is that they constitute a considerable advance in the direction of the purpose so ardently desired — of the reign of universal peace and goodwill."

The majority of the Committee on Foreign Relations reported to the Senate in favor of ratifying the treaties with the change of a single word, but that change was of the first importance because the purpose of the treaties as viewed by the Executive was defeated by it. That amendment changed the word "agreement" to "treaty" so as to make it certain that the Senate would have the opportunity to pass upon each individual case instead of giving the President general power, within the limitations of the general treaties, to send particular differences to the Hague Tribunal without delay and without again consulting the Senate. All the members of the Committee on Foreign Relations, with two exceptions, voted to so report the treaties. The two exceptions, Mr. Morgan of Alabama and Mr. Money of Mississippi, united in a separate report of a very interesting character, prepared by Mr. Morgan in his able and comprehensive manner, a document of twenty-eight pages, in which every possible argument against concluding any further arbitration treaties was advanced, including a very ingenious one to the effect that back of this was possibly a conspiracy between England and France, and possibly other countries, to break down the Hague Convention itself. It is a most interesting report, but I shall not stop to read any portion of it; it opposed the ratification of the treaties altogether. Of course the report said they should be amended in the manner suggested by the majority of the committee if they were to be ratified at all, but contended that they ought not to be ratified at all, claiming that the Hague Treaty was all that was necessary and obligatory arbitration was most undesirable. When it became known that the Senate was likely to amend the treaties as suggested by the Committee on Foreign Relations, President Roosevelt wrote a semi-official letter to the chairman of the Committee on Foreign Relations, in which he said:

THE WHITE HOUSE, WASHINGTON, D. C., February 10, 1905.

My Dear Senator Cullom: I learn that the Senate Committee on Foreign Relations has reported the arbitration treaties to the Senate, amending them by substituting for the word "agreement," in the second article, the word "treaty." The effect of the amendment is to make it no longer possible, as between its contracting parties, to submit any matter whatever to arbitration without first obtaining a special treaty to cover the case. This will represent not a step forward, but a step backward. If the word "agreement" were retained it would be possible for the Department of State to do as, for instance, it has already done under the Hague Treaty in the Pius Fund arbitration case with Mexico, and submit to arbitration such subordinate matters as by treaty the Senate had decided could be left to the Executive to submit under a jurisdiction limited by the general treaty of arbitration. If the word "treaty" be substituted the result is that every such agreement must be submitted to the Senate; and these general arbitration treaties would then cease to be such, and, indeed, in their amended form they amount to a specific pronouncement against the whole principle of a general arbitration treaty.

The Senate has, of course, the absolute right to reject or to amend in any way it sees fit any treaty laid before it, and it is clearly the duty of the Senate to take any step which, in the exercise of its best judgment, it deems to be for the interest of the nation. If, however, in the judgment of the President a given amendment nullifies a proposed treaty, it seems to me that it is no less clearly his duty to refrain from endeavoring to secure a ratification, by the other contracting power or powers, of the amended treaty; and after much thought I have come to the conclusion that I ought to write and tell you that such is my judgment in this case.

As amended, we would have a treaty of arbitration which in effect will do nothing but recite that this government will, when it deems it wise hereafter, enter into treaties of arbitration. Inasmuch as we of course now have the power to enter into any treaties of arbitration, and inasmuch as to pass these amended treaties does not in the smallest degree facilitate settlements by arbitration, to make them would in no way further the cause of international peace. It would not, in my judgment, be wise or expedient to try to secure the assent of the other contracting parties to the amended treaties, for even if such assent were secured we should still remain precisely where we were before, save where the situation may be changed a little for the worse. There would not even be the slight benefit that we might obtain from the mere general statement that we intend hereafter, when we can come to an agreement with foreign powers as to what shall be submitted, to enter into arbitration treaties, for we have already, when we ratified the Hague Treaty with the various signatory powers, solemnly declared such to be our intention; and nothing is gained by reiterating our adherence to the principle while refusing to provide any means of making our intention effective.

In the amended form the treaties contain nothing except such expression of barren intention, and, indeed, as compared with what has already been provided for in the Hague Arbitration Treaty, they probably represent not a step forward, but a slight step backward as regards the question of international arbitration. As such I do not think that they should receive the sanction of this government. Personally it is not my opinion that this government lacks the power to enter into general treaties of arbitration, but if I am in error, and if this government has no power to enter into such general treaties, then it seems to me that it is better not to attempt to make them, rather than to make the attempt in such shape that they shall accomplish literally nothing whatever when made.

Sincerely yours,

THEODORE ROOSEVELT.

The next day, February 11, the Senate amended and ratified the treaties as recommended by the Committee on Foreign Relations. The test vote was taken on the proposition to amend the treaty with France, and the amendment was adopted by a vote of fifty to nine (the roll call being afterwards made public through the Associated Press), the Senators voting in the negative being Dolliver of Iowa, Fairbanks of Indiana, Hopkins of Illinois, McCumber of North Dakota, Nelson of Minnesota, Platt of Connecticut, Stewart of Nevada, Warren of Wyoming, and Wetmore of Rhode Island.

The majority of the Senate in the debate preceding, which was summarized, and I am told accurately, in the despatches of the Associated Press, insisted that principle and precedent both required that the advice and consent of the Senate should be taken whenever an arbitration treaty was arranged. Senator Lodge, who supported this position, submitted in a very interesting document, in nine printed pages, a statement as to the constitutional methods of making and ratifying treaties in certain foreign countries and also a list of the arbitration treaties and conventions submitted to and acted upon by the Senate, which showed that forty-four such arbitration agreements had been submitted to the Senate, forty-three of which had been ratified, six with amendments, and one rejected; it also showed that fifteen arbitration agreements, all relating to claims, had been concluded and executed by the Executive without being referred to the Senate. Senator Spooner, advocating the position of the majority, asserted that the Senate should always be consulted as part of the treaty-making power under the constitution, and that even the Pius

Fund case should have gone to the Hague Tribunal by way of the Senate and only with its express advice and consent. The Executive, the majority claimed, should not be entrusted with power to determine alone whether the vital interests and independence or the honor of the United States was involved in any particular case for which arbitration was desired. Senator Platt of Connecticut and the others who opposed the amendment of the treaties followed the line of President Roosevelt's argument, holding that our national policy and our action in connection with the Hague Conference required that the Senate should approve the treaties without change, and that this was probably the best opportunity that would occur in this generation to advance the cause of international justice and peace. I am favored by an eminent public man in Washington, who was very familiar with the views of the majority of the Senate in respect to the amendment of these treaties, with a brief memorandum of their position as he understood it, which I should like to read as part of my remarks in order that every possible opportunity may be given for a fair judgment upon the position taken by these Senators:

"It is understood that Secretary Hay sent a draft of the proposed arbitration treaty to the members of the Committee on Foreign Relations for an expression of their views, and that a majority of the Committee indicated their agreement with it. When, however, President Roosevelt made known to the Senate that he would regard the word 'agreement' in the second Article of the treaty as conferring upon him full power to enter upon arbitration with a foreign government on any question embraced in the treaty, without submitting the case to the Senate, that in the judgment of Senators changed altogether the significance of the treaty and released them from the committal in its favor made to Secretary Hay. Hence, they contend, there was no inconsistency on their part in declining to support it in the shape submitted.

"The chief objection entertained by the Senate to the treaty, as signed and interpreted by the President, was that it was a surrender on its part of the entire treaty-making power of the Senate in a large class of questions of unknown importance and character. This, it was contended, the Senate had no power to do under the Constitution. The Supreme Court has repeatedly decided that one branch of the legislative department of government cannot transfer its duties to another department. Congress can delegate to the President certain functions in the determining of legislation, and the Senate can repose in him certain authority as to relations with foreign governments, and such powers have been frequently reposed in him. He has been empowered to make postal conventions with other governments. He has been, for instance, authorized to enter into reciprocity agreements; but the character of the agreements was clearly set forth, the articles affected were enumerated, and the rate of duty specified in the enabling act.

"But the arbitration treaties, as interpreted by the President, were not of this class. They would give to the President alone full authority to bind the United States in all cases of a judicial character and in all questions arising out of the interpretation of treaties. A moment's reflection will show that under these classifications almost all matters which could possibly arise between nations would be included. Under 'judicial cases' all international or governmental claims would be embraced, such as the Alabama question with Great Britain or the large indemnity claimed by Colombia for our action as to the Panama Canal. The 'interpretation of treaties' clause would authorize the President to hazard by arbitration our commercial rights in China or any other country with which we had a commercial treaty, which includes almost all nations; the threatened trade retaliation of Germany; our whole irrigation system so far as relates to the waters of the Rio Grande and Colorado, which in part are the international boundaries

with Mexico; the rights of American citizens abroad; our government of the Philippines; territorial disputes and an infinity of other questions. It was the judgment of the Senate that as to such questions it was the intention of the framers of the Constitution that they should be kept within the joint control of the President and the Senate, and that such was the safer course.

"The action of the Senate did not indicate a disposition to cripple the proper freedom of action of the President. During the same session it ratified the Arbitration Claims Convention with the American Republics, which was framed by the Pan-American Conference which met in the City of Mexico in 1901-02. This treaty related exclusively to private claims of citizens against the governments, was of a well-defined nature, and as to these the President was authorized to enter into arbitration without further reference to the Senate."

I have said nothing as to any personal or political considerations which may have entered into the action of the Senate; I do not think that that is within the scope of the task assigned me. I thank you very much for listening so patiently to what must have been very familiar to most of you.

THE CHAIRMAN: The Conference will now have the pleasure of listening to one who can speak from full knowledge and study of international questions, the Hon. Oscar S. Straus, Ex-Minister to Turkey, and member of the High Court of Arbitration at The Hague.

THE RELATION OF THE ARBITRATION TREATIES TO THE HAGUE CONVENTION.

ADDRESS OF HON. OSCAR S. STRAUS.

Mr. President, Ladies and Gentlemen: My subject is the relation of the obligatory arbitration treaties, which I will call the little treaties, to the Hague Treaty itself. The Hague Treaty or Convention, as you know, does not confine its methods of peace to the arbitration plan. It is a much broader and more extensive treaty and its scope is much larger than is generally understood. It provides for three methods of securing peace: the first is mediation, the second is the commission of inquiry, and the third is arbitration. It is more than likely that the commission of inquiry, such as was illustrated by the North Sea Dogger Bank matter, will be used as much if not more than any other branch of the treaty.

Mediation has been made under the Hague Treaty a friendly office, whereas by the traditional practice of nations the offer of mediation had developed so as to be regarded as an unfriendly act. The Hague Treaty, if it had accomplished nothing more than to reverse the international attitude in regard to mediation, would have accomplished a great and lasting service for maintaining peace among nations.

During the period of piracy, which was alluded to yesterday, when we sent Decatur to the Barbary coast to break up the tribute system, George III, in order to maintain his favored relations with the piratical powers, sent the Duke of Kent to the Bey of Tripoli on a friendly mission and the Bey received him in his royal palace, and after he

was conducted from room to room, he finally reached the royal divan. The Bey welcomed him with these words: "I wish you would tell your father, the mighty king of Great Britain, that I regard him as the greatest pirate on earth, and that I am the next greatest."

The *leit motif* of nations changes from age to age. Beginning with modern times after the Reformation, the *leit motif* of the nations was ecclesiastical, sometimes called religious. It culminated in the thirty years war, which terminated in the great treaty signed at the Congress of Westphalia. This was the first of the great peace congresses, and it established the diplomatic system of modern times. After another hundred years, which was dominated mostly by hunger for conquest, we come to the Seven Years' War (1656 to 1663), that brought about the famous Treaty of Paris, which had so much to do with our continent, in adjusting the possessions of the great colonial powers of the world — Great Britain, France, and Spain. That period over, we enter upon the world power period, the period of domination which culminated in the infuriated heroism of the Napoleonic Era, which was terminated by the greatest peace congress that had been held up to that time, namely, the famous Congress of Vienna, wherein we find the beginning of that European system known as the balance of power. After another three quarters of a century that system was reinforced, at the close of the Turko-Russian War, by the great Congress of Berlin. That was more preëminently a peace congress than any before, because, although it followed a war, it was called to prevent a general European conflagration, and, as you all remember, the result of that great congress, which was attended by Bismarck, Andrassy, Gortchakoff, Salisbury, and Disraeli, was that the great premiers and statesmen of the leading powers returned home to their various capitals, bringing with them "peace with honor." While all of these congresses were held after bloody wars in order to curb the spirit of devastation and revenge that war had wrought, the Peace Congress at The Hague in 1899 was the first great congress that ever was called in the history of the world in times of peace to maintain the peace. [Applause.] It was the first gathering of the great nations of the world to prepare a permanent machinery to maintain the peace. That fact in itself is epoch-making in its effect, significance and importance in international relations.

Mr. Justice Brewer referred yesterday to provisions of the treaty as being only of a recommendatory nature. It is true the provisions, some of them, are of a recommendatory nature, but these are not the provisions of the treaty that refer to international arbitration.

No one was more anxious than I was to have these little treaties, so far as the United States was concerned, confirmed, and I hoped they would be; but I recognize that there may be, and probably there is, serious objection to them. I do not refer to the grounds of the opposition that were offered by the Senate to the confirmation of the treaties, with which I was never in sympathy, for the simple reason that I cannot discover in the Constitution any restraint upon the peace-making powers of the President [applause]; it is the war-

making power of the President that the Constitution limited, but never the peace-making power. [Applause.]

I wish to call your attention to the broad scope of the arbitration plan in the Hague Treaty. In the preamble it says :

“Animated by a strong desire to concert for the maintenance of the general peace ;

“Resolved to second by their best efforts the friendly settlement of international disputes ;

“Recognizing the solidarity which unites the members of the society of civilized nations ;

“Desirous of extending the empire of law, and of strengthening the appreciation of international justice ;

“Convinced that the permanent institution of a Court of Arbitration, accessible to all, in the midst of the independent Powers, will contribute effectively to this result.”

Then comes Article XV of the treaty :

“With a view to obviating, as far as possible, recourse to force in the relations between states, the Signatory Powers agree to use their best efforts to insure the pacific settlement of international differences.”

The next article of the treaty that refers to the arbitration plan is Article XVII. Article XVII reads :

“International arbitration has for its object the determination of controversies between states by judges of their own choice, upon the basis of respect for law.”

The next article is Article XX :

“An agreement of arbitration may be made with reference to disputes already existing or those which may hereafter arise. It may relate to every kind of controversy or solely to controversies of a particular character.”

These little treaties were made under and in pursuance of Article XXII of this treaty. Article XXII reads :

“Independently of existing general or special treaties imposing the obligation to have recourse to arbitration on the part of any of the Signatory Powers, these Powers reserve to themselves the right to conclude, either before the ratification of the present Convention or subsequent to that date, new agreements, general or special, with a view of extending the obligation to submit controversies to arbitration to all cases which they consider suitable for such submission.”

I call your special attention to the clause :

“With a view of extending the obligation to submit controversies to arbitration,” etc.

I have in my hand the model one of the Anglo-French Arbitration Treaty. Let us read the preamble :

“The government of His Britannic Majesty and the government of the French Republic, signatories of the convention for the pacific settlement of international disputes concluded at The Hague on the 29th of July, 1899 ;

“Taking into consideration that by Article XIX of that convention the high contracting parties have reserved to themselves the right of concluding agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment.”

There it stops. Why did they not include what I regard, and what I think will be regarded, as the very crucial clause in this Article XIX, to which I have just referred ; namely, why did n't they

go a step farther, so that he who runs may read, and that no one could ever construe these little treaties as in any way limiting the scope of the Hague Treaty? Why did not they include precisely the provision that is in the Hague Treaty, which says:

“With a view to extending the obligation to submit controversies to arbitration.” The omission may be accidental. If it were accidental, it is very unfortunate.

The clause “with a view of extending the obligation to submit controversies to arbitration” presupposes, and rightly, that the obligation to submit controversies to arbitration exists; certainly the moral obligation is as strong in the Hague Treaty as the nations can write it. [Applause.] Furthermore, I desire to call your attention to the fact that in none of the arbitration clauses of the Hague Treaty are any discriminations made in respect to questions which shall or shall not be arbitrated; whereas these little treaties make a very serious distinction — a destructive distinction — as to what questions should, and more especially what questions *should not, be* submitted to arbitration.

Let me read Article I of the Anglo-French Treaty:

“Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th of July, 1899, provided, nevertheless, that they do not effect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third parties.”

In other words, it provides what questions *shall be* submitted; that probably would not be so objectionable, but it says what questions *shall not be* submitted. There, I think, lurks the great danger in these treaties. [Applause.] “Differences that do not affect the vital interests, the independence or the honor” — these are very elastic exclusions, and their elasticity will depend upon the degree of excitement a nation is under at the time these questions arise. Any question, with an excited and aroused state of feeling in the country, may be very easily converted into a question of national honor. I would rather have the elasticity on the side of arbitration than against it. I prefer “national honor” where the Hague Treaty puts it, as the compelling force to induce nations to enter into arbitration, than to have those elastic exclusions wedged in between the questions that should be arbitrated and those that should not be arbitrated, as is done by the little treaties. [Applause.]

“International arbitration has for its object the determination of controversies between states by judges of their own choice, upon the basis of respect for law.”

Mark you, *all questions* between states, *not some questions* between states. An agreement of arbitration may be made with reference to disputes already existing or those which may hereafter arise. It may relate to every kind of controversy or solely to controversies of a particular character — all controversies, not specially defined or nar-

rowed controversies. So you will find through every one of these clauses the broadness of the scope of the Hague Treaty.

As Hon. Andrew D. White shows in his autobiography, which contains an account from day to day of the proceedings of the Hague Conference, it will be seen that there was a great deal of opposition to the adoption of this treaty, especially the arbitration plan. Germany stood in direct opposition to it at the beginning; in fact, Ambassador White addressed a letter to Von Bülow, calling attention to the fact that German representatives said that under their instructions they were opposed to every plan of arbitration, and that their allies were with them. Careful study of those proceedings shows that while Great Britain, the United States, France and Russia were anxious for this treaty of arbitration, there was a group of states on the other side that were opposed to it, and, strange to say, many of the smaller states, the Balkan States. He clearly intimates that some of the states, not from preference, but because of *amour propre*, entered into the treaty.

In conclusion, the Hague Tribunal cannot fail to have an ever-increasing voice in the chancelleries of nations. It stands behind the diplomacy of the world as an ever-widening wedge between a diplomatic ultimatum and the clash of arms. For the first time in the history of nations, when diplomacy is at an end, we have a great system interposed between that ultimatum and the beginning of hostilities; that is an enormous gain. When irritation arises between nations every delay is an immense advantage for promoting peace. The spirit of our age will emphasize more and more the voice of humanity that will sound forth stronger and stronger from the great temple of peace, "To The Hague! To The Hague!" [Applause.]

THE CHAIRMAN: We shall now have an address from one who always adds interest to any debate in which he engages, the REV. DR. LYMAN ABBOTT, editor of the *Outlook*.

THE POWER OF THE GOVERNMENT TO MAKE A GENERAL ARBITRATION TREATY.

ADDRESS OF REV. LYMAN ABBOTT, D. D.

Has this American nation power to make a general arbitration treaty, that is, a general treaty with other nations by which it agrees to refer all international differences, or all differences of a certain specified description, to the Hague Tribunal as a matter of course? or has it, by the terms of its written Constitution, deprived itself of this power, so that it must enter into separate negotiations and frame a separate treaty for every case that arises? No more important question than this has come, or at the present session is likely to come, before this Conference for its consideration.

The President negotiated with Mexico and with seven European

powers such a general treaty of arbitration. The Senate is said to have amended that treaty. That is not, in strictness of speech, correct. The Senate has no constitutional power to amend a treaty. It can give or refuse its consent to a treaty negotiated by the President. It can give him advice as to the kind of a treaty he should negotiate. This is the limit of its power. In the exercise of this power it refused its consent to the general treaty of arbitration negotiated by the President. It advised him to negotiate a new treaty by which the United States would agree to negotiate a special treaty of arbitration whenever a case should arise calling for such a treaty. This advice the President has not followed.

Why the Senate has refused its consent to these general treaties of arbitration is not known. It has given no reason to the public for its refusal. No Senator has publicly or officially given to his constituents any reason for this refusal; but certain presses and certain public speakers have defended the action of the Senate on the ground that it could not do otherwise; that it had no constitutional power to make a general treaty of arbitration; that under the Constitution each separate international difference must be made the subject of a separate treaty.

Thus the question is raised: Have the American people the power, under their Constitution, through their President and Senate, to negotiate a general arbitration treaty by which, as a matter of course and without any further treaty, all international differences, or all differences of a certain class, shall go to the Hague Tribunal for settlement, as under the Constitution all differences between the states go to the Supreme Court for settlement as a matter of course.

The Constitution of the United States provides that the "President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." This provision of the Constitution confers upon the President and the Senate a practically unlimited power to bind this nation by any contract which they see fit to make. There is but one limitation to this power. They cannot bind the nation to do that which the Constitution by express terms or necessary implication prohibits them from doing. Thus they could not by treaty agree that the nation should establish or sanction slavery in any portion of its territory, as among the Moros, for the Constitution expressly prohibits such sanction of slavery; but that, subject to this general limitation, the President and the Senate acting together have an unlimited power to bind this nation has been expressly affirmed by the Supreme Court of the United States in the following words:

"The treaty power, as expressed in the Constitution, is in terms unlimited, except by those restraints which are found in that instrument against the action of the government or of its departments, and those arising from the nature of the government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. But, with these exceptions, it is not perceived that there is any limit to the questions which can be

adjusted touching any matter which is properly the subject of negotiations with a foreign country (*Geoffrey vs. Riggs*, 133 U. S.).”

It is clear, under this decision of the Supreme Court of the United States, that the President and Senate have constitutional power to make a general treaty of arbitration, that is, a treaty once for all referring all international differences, or all differences of a certain specified nature, to the Hague Tribunal, without the necessity of a special treaty for each special case, unless the Constitution itself, by its express terms, or by necessary implication, forbids the making of such a treaty. Is there in the Constitution any such express or implied prohibition?

This absolute power conferred by the Constitution upon the President and the Senate is a power which can only be exercised by them. They cannot delegate it to some one else. Moreover, the President cannot delegate his power to the Senate, and the Senate cannot delegate its power to the President. The President cannot ask the Senate to negotiate a treaty; he must negotiate the treaty. And the Senate cannot say to the President, We have such confidence in you that we will allow you to make a treaty without our advice and consent. Legislative power cannot be delegated. And this for a very good reason. The people have conferred this power upon a particular body, and they have not given that body any authority to transfer that power to any one else. They have determined also how that power shall be distributed between the President and the Senate; and they have given the President and the Senate no authority to distribute it in any other way. Legislative power cannot be delegated. But the Legislature can enact a law, and the President and Senate, acting together, can make a treaty which by the terms of the law in this treaty is to become operated only upon certain future conditions, and it can delegate to some one selected for that purpose to determine whether these conditions are fulfilled, and whether therefore the law in the treaty is to go into effect. Both these principles have also been explicitly affirmed by the United States Supreme Court in the following words:

“The Legislature cannot delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of government. There are many things upon which wise and useful legislation must depend, which cannot be known to the law-making power, and must therefore be a subject of inquiry and determination outside of the halls of legislation.”

The general arbitration treaty negotiated by Mr. Hay did not delegate to the President any treaty-making power. It did not confer upon him any power to modify in the slightest particular the treaty itself. It did not authorize him to make any change in the matters which should under that treaty be referred to the Hague Tribunal. It did exactly what the Supreme Court of the United States has declared the law-making power can do. “It can,” says the Supreme Court, “delegate a power to determine some fact or state of things

upon which the law makes, or intends to make, its own action depend." The treaty made the referee between this country and, say, Great Britain depend upon the question whether it was of a legal nature or related to the interpretation of a treaty, and it delegated to the President power to determine whether the difference was or was not of that nature. It is difficult to conceive any case coming more exactly under the terms of this definition furnished by the Supreme Court.

Dr. Abbott then proceeded to cite a number of instances in the treaties of the United States in which power had been delegated, in some cases by Congress, in other cases by the Senate, in the exercise of its treaty-making power, to determine when the law or treaty should go into effect, or whether it should go into effect, and how its provisions should be carried out. Among these was the general arbitration treaty with the South American Republics, ratified recently by the Senate, which submitted certain classes of cases to arbitration, empowering the President to determine not only whether the particular case came within the class of cases specified by the treaty, but also whether the particular case should be submitted to the Hague Tribunal or to a special court of arbitration. He concluded by insisting, in view of these decisions and precedents, that the power of the President and Senate to conclude a general arbitration treaty, leaving the President to determine in each particular case whether it came within the general terms of the treaty, could not be denied, and that the only question for the country was whether it was expedient to make such a general treaty or not.

THE CHAIRMAN: Among those who have within the last few years demonstrated their leadership in the councils of the nation, I know of no one who will be listened to with greater interest than the HON. CHARLES E. LITTLEFIELD, member of Congress from Maine.

CONSTITUTIONAL ASPECTS OF THE ARBITRATION TREATIES.

ADDRESS OF HON. CHARLES E. LITTLEFIELD.

Mr. President, Ladies and Gentlemen: Inasmuch as this is the first occasion when I have had the pleasure of attending a magnificent conference like this, I think it may be incumbent upon me at the outset to express my very hearty, profound and sincere appreciation of the liberality and courtesy, the intelligent and catholic public spirit that makes us all his debtors, manifested by our friend who arranges for these conferences. [Applause.] I have been extremely interested, and I want to go further and say, very much instructed and informed, since I have been in attendance upon the Conference.

I was interested in the suggestion made by Mr. Smiley at the opening of the Conference (and you may appreciate the fact of my interest,

because this is my first appearance here), when he called attention to what seemed to me to be an important fact, that this was the most distinguished gathering that had ever come together here on an occasion of this kind! Do not for a moment think that I assume to be a factor in this equation that makes up the most distinguished gathering, because I do not make any such assumption. The Hon. John Morley, who recently visited the United States, on his return to England made some observations, as I take it is very frequently the case on the part of people in going from one country to another; and in the course of those observations he said it had been his pleasure while in this country to meet two great men, President Roosevelt and President Eliot. If Mr. Morley had had the pleasure of attending a conference like this he could have enlarged the number of men.

Before I enter upon the discussion I wish to say just a word about a subject which is not perhaps germane thereto, but still in a sense is germane to the whole object of this Conference, if I understand it aright. I do it for the purpose of calling the attention of this splendid audience to a Congressional project. It is the erection in the City of Washington of a magnificent building for the Supreme Court of the United States, and in connection therewith, including in the building a magnificent suite of rooms for the sessions of a Hague arbitration tribunal, a great interparliamentary conference, in fact, for international conventions of any and every kind. The Supreme Court of the United States is to-day very inadequately provided for. I believe that the American people have a very high admiration for the greatest court known to the civilized world. [Applause.] It is eminently fitting that it should be housed in the finest building in the world, in the finest capital in the world, and it is certainly preëminently fit and proper that in connection with the home of this tribunal that makes for national peace, that determines the most profound questions that affect the life and property and happiness and welfare of a great people, we should have provision for that international tribunal which is the greatest that we know in all civilization! This building will be a monument on the part of the American people to these two great ideas — national peace and international peace. If this appeals to you, I should be very glad to have the aid and assistance of this great assembly and its sympathy in creating a sentiment that will produce this result. I want to see the United States government erect a companion building to the Library of Congress, so as to complete the square, adorn the city, and give to this great court its proper habitation! I have no doubt it will cost six or seven million dollars; I hope to have the privilege of voting for that appropriation, and I would vote for an appropriation of six or seven millions to create this monument to national and international peace fully as quickly as I would for seven and a half millions for a battleship! At the last session of Congress we authorized an appropriation for two battleships, at an expense of seven and a half million dollars each. When I use that term I use it in a collective and impersonal sense, because I did not happen to vote for the authorization of the battleships, mainly

on grounds of financial expediency. I think this proposition should appeal to all American citizens who are interested in these great projects, and I hope it will receive your sympathy and encouragement.

I now come to the discussion of the question which seems to be uppermost in the minds of us all here to-day, and that is this question of arbitration treaties. While I do not personally propose to criticise the Senate, I want to say that I do not adhere to the proposition that the Senate of the United States, under any circumstances, is immune from criticism. I do not believe that any department of this great government ought to be immune from criticism. This government is conducted by three great departments, the Executive, the Legislative and the Judicial, and the President and every member of the Senate, and every member of the House, and every member of the Supreme Court of the United States, and every member of the Federal Judiciary ought to be subject at all times to fair-minded, intelligent criticism. [Applause.] When I say criticism, I do not mean assault, denunciation and abuse; I mean criticism, intelligent criticism, based upon reason. No man ought to entertain, under any circumstances, whether he is acting in an Executive, a Legislative or a Judicial capacity, any opinion that is not subject to reasonable criticism. There is no court that ever sat that could safely determine controversies between party and party, and reach legal and just conclusions, without being obliged, in important cases, to give their reasons in writing therefor, in order that an intelligent profession and an intelligent people might know that the conclusions were based upon sound reasoning, and no intelligent men that have ever sat in a court ever for a moment challenged the right of proper criticism. It is the liberty of the press and the liberty of speech that is an underlying and essential element of our institutions.

The great question here, in which we seem to be interested, is the failure of the treaty that was submitted to the Senate of the United States to be ratified in the form in which it was submitted. Some one is responsible for that failure. My own judgment is that many of the criticisms aimed at the Senate proceed, to a large extent, from a misconception of the condition that is before us for discussion. I conceive that it would be competent for the President and Senate of the United States to negotiate an arbitration treaty, submitting in that treaty all controversies that might be submitted to any tribunal, but that is not the question before us. We have a concrete proposition, and that concrete proposition is contained in this copy of this treaty. The real question for us is whether, under the terms of this document, the Senate should or should not have done what it did. This treaty does not undertake to submit all controversies; it is nothing but a convention that undertakes to agree that somebody else will agree. It does not submit anything. This treaty may be ratified and become, under the provisions of the Constitution, the supreme law of the land, and yet not a single controversy be submitted to this tribunal of which the President of this Conference is a most distinguished member. I say this treaty might have become the supreme

law of the land, and yet this magnificent tribunal, the result of the civilization of the nineteenth century, the differentiation between civilization and barbarism — because, what is barbarism? The settlement of controversies by brute force, by war. What is civilization? The triumph of reason and its control, and there is the differentiation between civilization and barbarism — the settlement of controversies by reason in civilization, and in barbarism by force. War, no matter what its cause, is a recrudescence to the original principles of barbarism from which the race, by twenty centuries of Christian civilization, has been emancipating itself! [Applause.] Given the ratification of this treaty, and in no single instance, as I was about to say, without a further act being performed could this great tribunal hear and determine a single controversy. Why? Because the terms of the convention preclude it, and expressly provide that a new and special agreement in every case must be made. It is not a question of procedure; it is not a question of pleading, or of filing an international declaration or an international reply in answer thereto. Before any jurisdiction is acquired an agreement must be made to submit that particular controversy to the tribunal. So that whether the Senate is a joint factor, or the President of the United States is the sole factor, is immaterial. It is simply in either case an agreement to agree, an agreement that we will agree to agree. Without the Senate amendment it was subject to this criticism. It was not a treaty to submit all controversies, but it simply bound the honor of the American Republic that controversies would be submitted by an agreement to be made.

That is the concrete proposition that was pending in this treaty. The treaty was drawn by a very distinguished American statesman, for whom I hope every American has the greatest admiration, the Hon. John Hay, Secretary of State of the United States! [Applause.] Now, what was the controversy? I have already called your attention to the fact that the fundamental thought involved in this treaty was that it was simply an agreement to agree. The suggestion is made that the power to agree should have been or was conferred upon a particular individual. Here is the crux of the whole controversy. Upon that let me call your attention to the nature of the treaty itself.

Bearing in mind the fact that this treaty was not prepared by the Senate of the United States,—that is not the orderly method of procedure,—but by John Hay, you see that it originated with the Executive Department, the head of our diplomatic service, and not with the Senate. What does it provide with reference to this matter of agreement, with reference to the manner in which the treaty should be carried into effect? It is a supplementary, an auxiliary treaty, because in a sense it adds very little, as has been said here, to the original Hague Treaty. I have not had time to give it careful consideration, but Article II of the treaty is the article that is involved. Here was a treaty submitted to the Senate of the United States, containing the provision that special agreements could thereafter be made to submit special individual controversies that might thereafter arise.

The question arose as to who was to make that special agreement. From my point of view, so far as this document is concerned, the abstract proposition as to whether the President has constitutional power to make some agreements and not others, was not involved. Of course, every agreement that reaches the dignity of a treaty every one would say must be ratified by the Senate. What is a treaty? Why, a treaty is nothing more or less than an international contract, a contract between two sovereign and independent nations. Well, what is a contract? Why, a contract is nothing but an agreement between two sovereign and independent nations. So that as a matter of logic, in every agreement between sovereign and independent nations you would have what would perhaps be in essence a treaty. Under the Constitution, a treaty is not only an international contract between this country and some foreign country, but it is the supreme law of this land in addition thereto; it supersedes any other legislation. It would repeal congressional legislation because the last action either by the President of the United States with the advise and consent of the Senate or by the Congress of the United States governs as the supreme law of the land.

What does this convention that was presented to the Senate provide? I will not read it all, as you have heard it read a number of times. Our distinguished friend, Dr. Abbott, called attention to the fact that we had no authoritative declaration made on the part of the United States Senate as to why they took the attitude they did in connection with this treaty. That is because the Senatorial discussions and investigations are held in secret session — alleged secret session — secret enough to divest Associated Press reports of an authoritative character, but not secret enough to prevent us from knowing in a general way just what these gentlemen say. If they would take us a little more into their confidence on these occasions it would be beneficial to them, and eminently more satisfactory to us. In order to ascertain what the Senate did and what it was required to do under the circumstances, let me call your attention to the terms of this treaty, which did not purport to authorize the President of the United States to enter into any specific agreements. I do not say that the President, with the advise and consent of the Senate, cannot delegate to the President the power to make some agreements; it is not necessary to say that for the purposes of this discussion, because this discussion is concrete. Article II says: "In each individual case the high contracting parties, before appealing to the Permanent Court of Arbitration, shall conclude a special agreement." Who shall conclude the "special agreement"? "The high contracting parties." I submit with great confidence that the President, *ex vi termini*, is not suggested in this convention as a "high contracting" party. That is obvious.

Let us look at this convention, drawn by the Secretary of State, for the purpose of ascertaining from his point of view who the "high contracting parties" were. The convention says in the preamble the "Government of the United States of America," and that is

the only place where the "Government of the United States of America" happens to be mentioned in the convention from beginning to end. There is a conclusion of this convention — the *testimonium* clause, as it would be called by us who are of the profession — which provides who shall execute the convention. What does it say? It does not say that the government of the United States is a high contracting party, it does not say that the government of the United States, acting by the President, with the advice and consent of the Senate, is the high contracting party. It says that the present convention shall be ratified, not by the government of the United States, but by the high contracting parties. It says the convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof. Who, then, were the high contracting parties by the terms of the convention? If it was the government of the United States, is the President the "government of the United States"? The Senate have this advantage,—and I think they ought to be given the benefit of it, because we want to discuss this from a fair-minded and dispassionate point of view,—they have the advantage of being strictly within the legal, constitutional limitations, as well as the terms of the convention. They are mentioned as the high contracting party in the convention as it is drawn, at least the government of the United States operates by and through them, and they are the instrumentalities thereof, and it could not operate in making a treaty in any other way under the Constitution.

Here the Senate have this advantage. Their right to join in such agreements or treaties is clear and explicit, and does not arise from inference or construction. The United States never makes a treaty. The government never makes a treaty. The Constitution in express terms limits the treaty-making power, not to the government, not to Congress, but to the President, by and with the advice and consent of the Senate. Now, if it is to be argued that the President is the high contracting party, the inference must be drawn from something outside this instrument. The Senate have an advantage in the controversy, technically. They are within the specific designations, there is no question about that; no lawyer would dispute it nor would any intelligent layman. The Senate, as I say, is entirely within constitutional limitations. Everybody will concede that the Senate can constitutionally make these agreements that are required to be made by the high contracting parties. Was the President a high contracting party? If he was it is the result of an inference, and the burden is upon those who suggest it to sustain the proposition. There is no burden upon the Senate. It stands within its constitutional limitations and within the limitations of the agreement submitted to it by Secretary Hay.

As to the constitutional powers of the President, I will say this: It may well be in this year of our Lord one thousand nine hundred and five that we can acquire territory that will become the property of the United States, but that will not become a part of the United

States, and it may be peopled by millions of men who owe an allegiance to the government of the United States, but who have not the same constitutional rights that we have, who owe the same kind of allegiance to the government of the United States. The courts have so held; and while I do not agree with the conclusion, I abide by it and bow to it; it is the law of the land. And while the courts have held that in popular parlance the Constitution does not follow the flag, I do not suppose that any of us would contend that the Constitution does not follow the President of the United States and the Senate in the discharge of their respective powers. I want to read what the Constitution says as to the powers of the President bearing upon the question as to whether in the language "the high contracting party" the President really did have, as the Executive, the power and the authority to execute these special agreements, as, if he had, the Senate might be in a sense censurable for not giving him the requisite authority. If it should turn out that under our system of government, buttressed by constitutional limitations, agreements such as those defined by the convention could be executed by the President only with the advice of the Senate, we should say the Senate did a patriotic duty in amending the treaty. Let us see what the Constitution says about the powers of the President, to see whether directly or by fair inference there is included in it anything that would authorize him to make these agreements. It is not a question whether he is prohibited, but is he authorized? His powers are conferred and specified. The legal proposition is when his duties are specified that he has no duties or powers except such as are specified. Article II of the Constitution contains all the provisions relating to the powers of the Executive. Section 1 provides that "The executive power shall be vested in a President of the United States of America," with other provisions not material to the discussion. Section 2 among other things provides:

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

"The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session."

Thus far there is no suggestion that by inference would confer any power like that in question upon the President. It is significant that the great treaty-making power is included in the Constitution, in the specification of the powers of the President, but it is made absolutely conditional upon the advice and consent of the Senate.

"SECTION 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between

them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers."

I stop with that sentence. Now, up to this point there is not a single word that contains the slightest intimation that he has any power to make an agreement of this sort. Now comes the next sentence:

"He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States."

I submit that this sentence is probably the sentence relied upon by those who hold that the President is given authority to make these special agreements; because this convention, if it became a treaty and was properly ratified, would be the supreme law of the land, and the duty of the President to faithfully execute the law of the land might be held by argument and fair inference,—I do not say that it could or could not,—but it might be contended by fair inference that the President could in the execution of that law execute this treaty and make the agreement. If the power exists in the President it is on inference and construction and the subject of doubt, but the Senate's power is clear and undoubted.

I cannot take time to discuss in detail the Senate's position or the attitude taken by the Executive Department. What did the Senate do? It assumed, on the reading of this treaty, apparently, that "agreement" really meant "treaty," but in order to put it beyond peradventure, and make assurance doubly sure, they changed the word "agreement" to "treaty," so that there could be no question as to the necessity of their concurrence. What practical difference does it make? In either event there would be an agreement to be negotiated. If the President had a power conferred on him, he had to make a special agreement to refer each special case. What did the Senate have to do? They had to make the same kind of an agreement, on the same kind of considerations, inspired by the same motives, and, I may say, pushed on by the same great public opinion. There is nothing in this treaty that makes it as to subsequent controversies obligatory in a legal sense. It is obligatory only in the highest moral sense. It is the same compulsion under the same circumstances, moved by the same reasons and operating upon the same lines that would compel the Senate to advise and agree with the President. It simply means that instead of one man being able to negotiate these agreements, it requires one man and ninety other men. I do not agree with the distinguished gentleman who opened the discussion, that this treaty is no advance on these lines. Assume, for instance, that the constitutional power to make these agreements is vested only in the President and Senate of the United States. Of course it would be an advance in that case. Is it not some advance to have the President and the Senate both solemnly declare that they will agree? The only difficulty, so far as the Senate is concerned, is this: Would the Senate be likely to agree with the President in making such treaties or agreements? That involves the question as to whether

we could rely with as much confidence upon the favorable judgment of the Senate. I think it is fair to assume that the Senate would not oppose the President in making agreements under the provisions of this treaty. The argument of inconvenience has some weight in case it should be necessary to wait for action by the Senate. If the Senate was in session there need not be any delay in a case of merit. Fifty-nine men of the Senate are on record — perhaps I ought to except Senator Morgan — but fifty-eight Senators of the United States are on record for the first time. Their faith is plighted to the making of these agreements, so it seems to me that the treaty is a decided advance. It simply comes down to the question largely of confidence, whether you can rely upon the Senate as well as the President to make the agreements or treaties. The Senate is in session in the long session from the first of December until the last of July or August, and in the short session from the first of December until the 4th of March; and they are where they can be reached by the President and called for a special session, if important, at any time.

With these suggestions, and thanking you most kindly and heartily for your very kind attention, I simply wish to say that I think that, independently of this question as to whether the Senate is the subject of proper criticism, or the President under these circumstances should have taken the treaty as passed by the Senate, the people of the United States, irrespective of party or condition or creed, have a right to insist that in some proper way these two component parts of the executive branch of this great government shall settle any differences they may have, in order that the people may be satisfied that the Republic, with whose institutions and with whose civilization this great movement is entirely in harmony, can have effective action in the reference [applause] of controversies to this great tribunal.

WHAT OUGHT TO BE DONE WITH THE ARBITRATION TREATIES?

ADDRESS OF HON. ROBERT TREAT PAINE.

Mr. Chairman, Ladies and Gentlemen: I hardly think I ought to speak at this late hour, but if I may have a very few moments, it does seem to me that we are on the edge of the most important question that has ever come up at Mohonk. We have spent this morning in historic statements, in legal arguments, in criticism of the Senate, but the question still faces this Conference and the country, What are we going to do about it? Are we going to let these treaties fail and drop, to the shame and loss of this country, or are we going to use the whole power and influence of yourself, sir [referring to Mr. Smiley], of this Conference, of the Business Committee, in doing anything that we can do to carry through these treaties to a triumphant finale? We want America put on the side of the powers that agree to arbitrate and not left on the other side of the fence,

among the nations who are indifferent to arbitration and who reserve the power to extort by war what greed may call for or may open the door to them to accomplish. We want to bind ourselves to arbitrate; it is still open for us to do so. Has the President shut that door absolutely and irrevocably? I cannot help believing that the judgment of this Conference, of the business men of this Conference, may, by divine Providence, have weight and power to move President Roosevelt to reconsider his decision to pigeonhole those treaties, and may lead him to see that it is wise to accept facts and complete the treaties. [Applause.] That is what we are here to do, to aid [from the audience, "Nothing of the kind"], to promote arbitration. This is a Conference in favor of arbitration; it is not a Conference to discuss intricate questions of law. It is not a Conference to criticise; we are not an historical body; we are here to help on the cause of arbitration; and in my judgment the cause of arbitration can be powerfully promoted by wise thought and consideration at the present time.

Instead of making a speech in the manner I am, under the pressure of a few moments only to speak, I wish we could have had a committee, a council, to consider just this question, quietly and calmly: What can be wisely done to enable the United States of America to enter into treaties of arbitration with the other great countries of the world? That is what we have been talking about here for years; that is what, when the Olney-Pauncefote treaty was negotiated, we met here to aid, and afterwards, when it had failed, we met here to deplore. It is not too late, in my judgment, to have the United States complete those treaties at the present time, and if that can be done, who can fail to see that it is going to be a permanent and infinite source of joy to all the lovers of arbitration and peace in this country and throughout the world.

Mr. Chairman, you said yesterday that the world did not advance by leaps and bounds. In some cases it seems to me to have advanced by leaps and bounds. Let me name three great events in the movement for arbitration in the last fifteen years. I should say that fifteen years ago, more or less, a great atmospheric wave in favor of arbitration swept over the civilized world, and this great movement began in which we are parties. The second great event was when the Hague Arbitration Court was created, the most important international event in the history of the world. Here it stands; I have not time to read anything at this moment, but here is the Hague Tribunal, the convention that creates the Hague Court. Yet as I read it there is not one word in it which binds America to enter into arbitration. It creates the court, it opens wide the door, it makes it possible, it invites: there is not one word in it which binds America to enter. We come to these, what my friend Mr. Straus called "little treaties"; I think these are magnificent treaties. A good deal of time has been devoted to Article II. I want to call your attention to a few words in Article I. "Differences which may arise of a legal nature shall be referred to the Permanent Court of Arbitration." That binds America by this solemn obligation, "Differences which may arise shall be

referred to the court." I do not call that a "little treaty." I call that a glorious treaty, and when we get one, two, four, ten of them and others coming, it completes the third great event in the progress of the world, when America and all the nations of Western Europe, subject to one great exception, Germany and France, who have not been able or willing to make any arbitration treaty, make treaties of obligatory arbitration. Shall America alone stay out? Are we to be left outside this historic culmination when we pass on to the next great historic event? I can only say, God forbid! And if we can do anything to lead President Roosevelt to change his mind, his attitude, his decision, and to complete those treaties, it seems to me it would be the greatest thing which Mohonk ever could accomplish. I must not speak longer. I shall leave the Conference with that as the supreme thought that has influenced me and makes me think that the opportunity is still open for this Conference to exert a great influence in the direction of promoting international arbitration.

Fourth Session.

Thursday Evening, June 1, 1905.

The Chairman called the Conference to order at 8.25, and introduced the chairman of the Business Committee.

JUDGE STINESS: At the last conference a committee was appointed to present certain resolutions to the President relating to the capture of private property at sea in time of war. The President being about to call a conference at The Hague, it is deemed best that these resolutions should go to that convention instead of to the President, and the committee ask to be continued with such authority. The Business Committee have approved that request, and therefore I move that the committee be continued with authority to present the resolutions as stated.

The motion was unanimously adopted.

THE CHAIRMAN: I have received, as presiding officer of this Conference, the following telegram:

ITHACA, N. Y., June 1, 1905.

HON. GEORGE GRAY,

Presiding at International Arbitration Conference,
Mohonk Lake, N. Y.

Please tender to the Conference my most hearty thanks for their kind message, and my best wishes for a fruitful result of their deliberations.

ANDREW D. WHITE.

Pursuant to our understanding, this evening session is to be devoted to the business men of the Conference, and we look forward with pleasure to hearing from them and of their efforts and their influence in the great cause which has brought us here this week. The report of the committee to appeal to business men will be read by MR. CHARLES RICHARDSON of Philadelphia.

REPORT OF THE COMMITTEE APPOINTED TO APPEAL TO BUSINESS MEN AND BUSINESS ORGANIZATIONS.

PRESENTED BY CHARLES RICHARDSON, CHAIRMAN, TO THE MOHONK LAKE
ARBITRATION CONFERENCE, MAY 31, 1905.

The committee appointed to appeal to business men and business organizations for a more general and effective support of international arbitration, desires to report that much work has been done, and results of a very encouraging character have been achieved during the past year.

It has always been the desire of the committee that its efforts should be

directed in practical as well as in educational lines. It has sought, first, by arguments and appeals, to multiply and stimulate the sentiment in favor of arbitration, and, second, to suggest and promote such methods of expressing that sentiment as would enable it to influence and control the spirit and conduct of our national government.

With the approval and assistance of Mr. Smiley there has been a large additional distribution of the circular referred to in the reports of this committee for 1903 and 1904. Three editions of that circular have been printed since its preparation in 1902. It has been favorably endorsed by the executive committees or officials of seventy-eight of the business organizations of the United States, and about thirty-nine thousand copies have been sent out from this great centre of inspiration and enlightenment. Thirty-nine organizations, including some of the most prominent and influential associations in this country, have adopted strong resolutions or provided for standing committees for the promotion of international arbitration, and thirty-two have availed themselves of Mr. Smiley's generous invitation to appoint delegates to this Conference.

A list of the associations which have responded to the requests of our committee, with some explanatory notes in regard to the action they have taken, is annexed to this report.

The encouraging character of our voluminous correspondence and the admirable and enthusiastic addresses of business men at the Conference of 1904 seemed to make it clear that we ought to do all that could be done to secure the utmost possible support for the treaties, which it was supposed would be negotiated by the President and Secretary Hay, and submitted to the Senate in December. With this object in view, and in accordance with the wishes of Mr. Smiley and of this committee, the Secretary, Mr. Phillips, was busily engaged from July to December in carefully planned and conducted efforts to obtain from the business organizations such simultaneous and energetic action as we hoped would be effective. The direct and indirect results of these efforts were very gratifying, and we believe that they were a powerful factor in securing such a general and almost unanimous expression of public opinion in favor of the treaties that it seemed as though it would be impossible for any legislative body to ignore or disregard it.

The action of the Senate was, of course, a keen disappointment to all of us, but without attempting to discuss the peculiar conditions which led to the failure of the treaties, we may express our confidence that it will only be a temporary check to the great movement which is destined, as we believe, to achieve in the near future a triumph much greater than that which we thought we had almost won.

In concluding this report the committee desires to say that if it should be decided to continue the work, we believe that its field could be greatly enlarged and its good results and influence multiplied. Enough has already been done to show that there is no longer any room for doubt in regard to the ability and readiness of American business men to realize that the general adoption of international arbitration is as essential for the protection and promotion of their material interests as it is for the moral and spiritual advancement of the whole human race. We feel, however, that some decided advantages might be gained by the appointment of a new committee and the preparation of new forms of argument and appeal, and we therefore suggest that this committee be discharged. But in making this suggestion we wish to express our grateful appreciation of the honor and privilege of having served for three years in the ranks of those who have been working under Mr. Smiley's guidance for the uplifting and improvement of their fellow-men.

CHARLES RICHARDSON,
CLINTON ROGERS WOODRUFF,
GEORGE FOSTER PEABODY.

The circular "Why Business Men Should Promote International Arbitration" has been recommended for the careful consideration of their members by the executive committees or officials of the following organizations:

(List revised to June 1, 1905.)

Commercial Club	Birmingham, Ala.
Board of Trade*†	Little Rock, Ark.
Arkansas State Board of Trade†	Little Rock, Ark.
Chamber of Commerce*	Los Angeles, Cal.
Chamber of Commerce*	Sacramento, Cal.
Chamber of Commerce	San Francisco, Cal.
Merchants' Association	San Francisco, Cal.
Merchants' Exchange	San Francisco, Cal.
California State Board of Trade	San Francisco, Cal.
Chamber of Commerce* 	Colorado Springs, Col.
Chamber of Commerce	Denver, Col.
Business Men's Association 	New Haven, Conn.
Board of Trade 	Wilmington, Del.
Board of Trade* 	Jacksonville, Fla.
Board of Trade	Brunswick, Ga.
Chamber of Commerce	Honolulu, Hawaii.
Board of Trade*	Chicago, Ill.
Business Men's Association*†	Springfield, Ill.
Commercial Club	Fort Wayne, Ind.
Board of Trade	Indianapolis, Ind.
Commercial Club	Indianapolis, Ind.
Merchants' Exchange	Cedar Rapids, Ia.
Commercial Exchange*†	Des Moines, Ia.
Commercial Club	Leavenworth, Kan.
Board of Trade* 	Louisville, Ky.
Merchants' and Manufacturers' Association	Louisville, Ky.
Board of Trade, Limited* 	New Orleans, La.
Progressive Union*	New Orleans, La.
Merchants' Exchange and Board of Trade* 	Portland, Me.
Board of Trade* 	Baltimore, Md.
Chamber of Commerce*	Baltimore, Md.
Chamber of Commerce* 	Boston, Mass.
Merchants' Association 	Boston, Mass.
Massachusetts State Board of Trade*† 	Boston, Mass.
Board of Trade	Lynn, Mass.
Board of Trade* 	Springfield, Mass.
Board of Trade*	Kansas City, Mo.
Commercial Club	Kansas City, Mo.
Commercial Club	St. Joseph, Mo.
Business Men's League	St. Louis, Mo.
Merchants' Exchange* 	St. Louis, Mo.
Board of Trade	Omaha, Neb.
Commercial Club†	Omaha, Neb.
Board of Trade*† 	Camden, N. J.
Board of Trade	Newark, N. J.
Chamber of Commerce*† 	Albany, N. Y.
Manufacturers' Association of New York* 	Brooklyn, N. Y.
Chamber of Commerce*	Buffalo, N. Y.
Merchants' Association* 	New York, N. Y.
Board of Trade and Transportation*† 	New York, N. Y.

Chamber of Commerce*	Rochester, N. Y.
Chamber of Commerce*	Syracuse, N. Y.
Chamber of Commerce	Troy, N. Y.
Chamber of Commerce and Industry	Raleigh, N. C.
Retail Grocers' Association	Raleigh, N. C.
Business Men's Club	Cincinnati, Ohio.
Chamber of Commerce*†	Cincinnati, Ohio.
Chamber of Commerce*	Cleveland, Ohio.
Board of Trade*†	Columbus, Ohio.
Board of Trade	Dayton, Ohio.
Commercial Club	Dayton, Ohio.
Commercial Club	Beaver, Ok.
Board of Trade	Portland, Ore.
Chamber of Commerce*	Portland, Ore.
Board of Trade*	Erie, Pa.
Chamber of Commerce†	Erie, Pa.
Board of Trade	Harrisburg, Pa.
Board of Trade	Lancaster, Pa.
Trades League†	Philadelphia, Pa.
Board of Trade*	Philadelphia, Pa.
Board of Trade	Reading, Pa.
Board of Trade*	Scranton, Pa.
Board of Trade	Wilkesbarre, Pa.
Chamber of Commerce	Providence, R. I.
Merchants' Association*	Memphis, Tenn.
Chamber of Commerce	Beaumont, Tex.
Chamber of Commerce*	Tacoma, Wash.
Chamber of Commerce	Milwaukee, Wis.

Organizations marked with a * have lately adopted strong resolutions favoring arbitration and arbitration treaties; those marked with a † have recently appointed standing committees on international arbitration; and those with || sent delegates to the 1904 or 1905 meeting of the Mohonk Lake Conference.

THE CHAIRMAN: The declaration made by the business men at their meeting yesterday will now be read by MR. KLINE of Philadelphia.

MR. MAHLON N. KLINE.

Mr. Chairman, Mr. Smiley, Ladies and Gentlemen: The group of business men who held a sort of caucus yesterday were kind enough to honor me with the chairmanship of their meeting. They asked me to read this declaration, and were kind enough to say that although everybody else's time was to be limited to four minutes, I might have ten. I shall, however, take much less time than that. The influence of this doctrine of arbitration has so spread that we have here, as has been stated in the report just read, more than thirty organizations which, on Mr. Smiley's invitation, appointed delegates to this meeting. Only twenty-four of these, I believe, were finally able to be present, so that it is necessary, under the action which the caucus has taken, that you permit us to inflict upon you to-night some twenty-four speeches. Now, for fear that everybody will get up and leave, I want to say that the business men differ somewhat from the preachers, only

the preachers preach and we have to practice, and there is not very much opportunity for us to cultivate that gift which seems sometimes, even in others besides preachers, to lack but one thing, as a clergyman said to me before I came into the room, and that is "terminal facilities." As a warning to my confrères, I am going to tell a story and they can make the application. The story is about the Frenchman who was invited to speak before some Englishmen at a dinner. The Frenchman had not yet fully mastered the peculiarities and difficulties of the English language. But he got up and made his speech, and at the close he said, "Gentlemen, I will cockroach upon your patience no longer," and sat down, and said to the man alongside of him, "How did I get along?" "You got along all right until you came to the close of your speech, and then you made an awful bungle of it." "How is that?" he said. "Why," the other replied, "you said that you would cockroach upon their patience no longer. What you ought to have said was, I will hencroach upon your patience no longer."

I do not propose to encroach myself, or that any of my confrères shall encroach upon your patience to-night so long as to make you tire of hearing about the business organizations. On my way to this Conference I had the privilege of visiting the Hippodrome in New York, and I saw there a remarkable feat: a man hit the bull's eye with a rifle nine times in four seconds. I predict that if the representatives of the business men acquit themselves as well as they did last year, we shall have a similar feat performed to-night, though perhaps not in four seconds. With these desultory remarks, Mr. Chairman, which have no particular bearing upon the subject in hand, I will read the declaration, which will give a sort of text for the other gentlemen to talk about:

DECLARATION OF THE BUSINESS MEN IN THE CONFERENCE.

The business men and representatives of business organizations in attendance at the Eleventh Annual Mohonk Lake Conference on International Arbitration, recognizing the supreme importance to the business community of adopting the enlightened principles of arbitration as a method of peaceful adjustment of international disputes, recommend that the various business organizations throughout the United States take action to secure this rational method of adjustment.

Nothing to-day is of greater importance in its bearing upon the general welfare than the movement for the peaceful adjustment of international differences with the resultant better relations and better conditions of mankind. The success of modern commercial enterprise depends largely upon stable conditions, which can best be secured by maintaining peaceful relations among the nations of the earth; and to this end no greater security is offered than by the universal adoption of international arbitration.

This meeting of business men therefore recommends to their respective organizations, and to all the commercial bodies of the United States, the following:

First: The endorsement of the wisdom of the establishment at The Hague of the permanent court for the pacific settlement of all international disputes that may be submitted to it.

Second: The appointment of committees within the respective commercial bodies, where that has not already been done, for the advocacy of the principles of international arbitration.

Third: The education of general public sentiment so as to secure the adoption by the United States of arbitration treaties with other nations. It is hoped and believed that the patriotism, statesmanship and business sagacity of the President of the United States and of the Senate will find some plan by which the pending arbitration treaties can be ratified, without in any sense endangering, in the minds of the most conservative, those provisions of the National Constitution which may be thought not thoroughly observed in the pending conventions; and,

Fourth: The commendation of the action of the President of the United States in having invited the nations to again meet in conference at The Hague, for a further discussion of questions referred to but not finally passed upon by the original conference.

Mr. Chairman, this is submitted with the suggestion that it go to the Business Men's Committee, with the hope that they will endorse it and authorize its circulation amongst the commercial bodies who have now expressed an interest, or may in the future express an interest, in this subject.

THE CHAIRMAN: The commercial bodies which are represented to-night, and whose representatives will speak for four minutes each, will be called alphabetically; there is no other way of deciding upon the order in which they should be called. Therefore the first organization to be called will be the Baltimore Board of Trade, represented by MR. EUGENE LEVERING.

MR. EUGENE LEVERING,

MEMBER OF THE BALTIMORE BOARD OF TRADE.

Mr. Smiley, Mr. Chairman, Ladies and Gentlemen: Owing to alphabetical arrangement it falls to me, as a delegate from the Baltimore Board of Trade, to be the first representative of the business organizations to speak a word this evening in favor of international arbitration.

It is suggestive of the growing interest taken in this subject by these various business bodies throughout the country that the number represented here this year is so much larger than reported last year. But while this does show an increased interest, I hardly think it fair for this audience to presume that the membership at large of the organizations whose representatives will appear before you this evening, taken as a whole, are aroused to the importance of the real issues involved in the great subject under discussion by this Conference, and how these issues affect their material interests as business men.

Why is this? Not because the existence of this Conference, and other similar movements, is not known, but rather because of erroneous ideas regarding the purposes thereof.

Some, we know, still regard the idea of permanent peace among the nations as purely utopian and never to be realized, and consequently dismiss the whole subject from further consideration. Others,

I fear, if they have thought of the matter at all, confound the principles involved in international arbitration with that of a sentimental kind of peace, and that, too, on the basis of "peace at any price," regardless of national honor, etc. Such views, I feel, are more prevalent than we think, and are illustrated by the oft-repeated story of the father who in sending his son out into the world to make his living said to him, after burdening him with good maxims galore, "Now, my son, you are going out to make a living; get money; get it honestly if you can, but if not, get it anyhow." This Conference stands for no peace on any such basis.

Another erroneous idea more or less prevailing among some of our so-called practical business men, and possibly in other quarters as well, is that these gatherings mainly furnish the occasion for the discussion of the question, by very non-practical men and women, from an academic standpoint and in a semi-religious way, of how to hasten that era of universal peace by prophets foretold. Entertaining such views as to the meaning of these conferences, they indulge either in a smile or a feeling of pity over so much talent running to waste.

You will recall Justice Brewer's reference, in his able speech last evening, to the existence of such views at the time of the organization of the Hague Tribunal. I myself recall having read the supposedly witty statement of some writer or reporter that the Hague Conference passed off very well with one exception, and that was that those in charge failed to pass around the hymn books. So I fancy there does exist even to-day these and other misconceptions which it should be the aim of this Conference to correct. And that really, Mr. Chairman, it seems to me, is the great work before us, and particularly before these business organizations represented here this evening. When we remember the influence which these bodies exert locally and upon legislation at Washington, how important it is that the members thereof should be properly informed as to the real meaning and purpose of the work in which we are engaged.

A correct public opinion supplemented by an aroused conscience, the question involved being a moral one as well as political and economic, as will naturally follow an earnest propaganda of instruction, cannot fail, as Lord Lansdowne said a few months since in connection with the North Sea incident, "to make arbitration fashionable," and that, too, at Washington as well as on the other side of the Atlantic.

THE CHAIRMAN: The Boston Chamber of Commerce is represented by MR. A. WARREN PATCH, who will speak for that organization.

MR. A. WARREN PATCH,

MEMBER OF THE BOSTON CHAMBER OF COMMERCE.

Mr. Smiley, Mr. President, Ladies and Gentlemen: Believing in the arbitrating of differences, it gave me much pleasure yesterday to

hear our host mention the large number of business men in attendance here, for it seems to me the business man gets in touch with those in the different walks of life more than many others.

The Boston Chamber of Commerce which I have the honor to represent sends greetings and best wishes for the success of this meeting, and stands for the arbitrating of international differences. I might say the Chamber has urged arbitration of all dissensions, has advocated measures which favored peaceful settlements ever since its inception. The members have helped forward all movements which welcomed visitors from other countries, fully believing in the brotherhood of man, that in the acquaintance better understandings would be had, that there would be less likelihood of disputes arising, but if they did appear the goodwill generated by the personal communion would incline all parties to feel that the other might have equal rights which could best be determined by a disinterested tribunal.

Indicative of the interest of the Boston Chamber of Commerce, resolutions were adopted and sent to Washington by a committee of three of its prominent members, who, in person, presented them to the President and the members of Congress.

The business men, members of the Boston Chamber of Commerce, are awake to their interests, which they see clearly defined in favor of international arbitration. A business man *is*, and of necessity *must be*, a factor in promoting the welfare of his country and the happiness of the home.

THE CHAIRMAN: The Boston Merchants' Association is represented by MR. A. C. FARLEY, who will now speak to us.

MR. ARTHUR C. FARLEY,

MEMBER OF THE BOSTON MERCHANTS' ASSOCIATION.

Mr. President, Mr. Smiley, Ladies and Gentlemen: It should be manifest that no business man can find fault with an allotment of four minutes of time, for that is about the maximum allowance he would naturally take on any occasion when called upon to state and argue a self-evident proposition. To most of us, possibly to all, the call for international arbitration has already reached that desirable status, and the multiplication of words in this presence and for this presence would seem superfluous. But, unfortunately, there is another and larger audience, and reaching that audience is quite a different proposition.

How business men may do their share of this work through the medium of existing business machinery is splendidly illustrated by an event in Boston the past winter. Inspired by a member of this Conference, one of our largest mercantile clubs gave one of its after-dinner discussions to the consideration of this cause. Presented by able speakers, the topic was lifted from the academic to the

practical in the minds of many to whom it was previously but a theory. This is a method of propaganda which can be extended by every business organization in the land, and its success in one city should presage its success in all.

Arbitration seems now to have but two chief enemies, the autocrat and the politician. Japan is giving a strong hint to the one that he is no longer needed in world economics. It is the duty of America to educate the other. In the light of such a situation we may have some reason for being sanguine. It is truly said that reforms come slowly. So does the express train, when overdue, to the man at the terminal, but when it arrives it comes with a rush, and it is all there at once.

President Grant said, with that simplicity which only a man who knows no obstacles can make manifest and with great business acumen, "The way to resume specie payments is to resume." In like manner, sooner than we are daring now to anticipate, some potentate, with the might of the influence of probably more than one strong nation behind him, will in some sudden crisis voice a sentiment that will strike the world with the force of an edict, "This cause must be arbitrated." The sun of Austerlitz arises upon that man's destiny, but this time it is the sun of peace and righteousness, and the world, led by him, in its light, takes one more step towards Christianity.

Easy, too easy! perhaps. But what is difficult to the people who have faith? "The Man and the Hour." In these times of electric movement, why may we not expect the conjunction even in our own day and generation; and the example once set in a grand instance, who shall dare thereafter abandon the precedent? I do not suggest impatience; I only emphasize hope. If I read the signs of the times aright, the world, the whole world, is prepared for something great; why not believe it is to be something supremely good as well.

THE CHAIRMAN: The Camden, N. J., Board of Trade is represented by MR. ALEXANDER C. WOOD.

MR. ALEXANDER C. WOOD: As a result of this Conference, I think there has been a marked change in the sentiment of the community in and about Camden, and, as we know there is much to be done in the future, we are hoping for additional help from this source.

THE CHAIRMAN: We shall next have the pleasure of hearing from the HON. E. W. BLATCHFORD of Chicago.

HON. E. W. BLATCHFORD.

Mr. Chairman, Ladies and Gentlemen: Were I to ask a painter to illustrate the need to-day of international arbitration, I would request him to put on the map a city of two million people of nationalities as diverse as are their sentiments regarding capital and labor.

Such has been the two months' struggle in that city of the lakes. Thank God for word to-day of hope that the struggle may soon end!

It is about nine years since, under the urgency of a friend whose name is honored wherever the theme of this Conference is discussed, William E. Dodge, I attended the arbitration conference held in Washington. It was a notable gathering. Its first call was made by a circular signed by thirty-seven citizens of our own city. Its discussions opened the eyes of thousands to the supreme importance of this subject. The yearly conventions at Mohonk Lake have deepened interest. Though prevented myself by absence from the country or pressing engagements at home from attendance here, yet the generous distribution of your proceedings has told of the wonderful progress that has been made in this grand work. And what a record was presented yesterday of work accomplished through your wise and beneficent planning!

I speak as a business man. The discussions of these two days, in varied lines of thought, give assurance of the future triumph of the cause. And whence comes the demand for this international movement? It is from the people. The power of public opinion is back of all. Dr. Abbott well said this morning, "Appeal lies to the common people." You may trust them in the last analysis. They will sift the wheat from the tares; no superficial, unworthy arguments will satisfy them. They will demand the true, the enduring, the righteous course. Lincoln quaintly put it when he said, "You may fool some of the people all the time, and all of the people some of the time; but you cannot fool all the people all the time."

Mr. President, when I look at the future of this subject, in the light of the past, I am an optimist. God forbid that I should be a pessimist in view of the facts told in these two days. Did I begin my four minutes in a despondent tone? May I give a hopeful word in the line of this Conference which yesterday's press brings us from Washington? When a messenger brought into the room of the Secretary of the Navy the first report of the results in the Korean Strait, the Secretary heard him through, and thoughtfully said, "All great international difficulties hereafter will be settled by arbitration or battleships"; but he placed arbitration first. A subsequent report came in with fuller details. Again the Secretary said, "I believe in arbitration with a strong navy to back it up."

Mr. President, there will be no artillery by land or twelve-inch guns by sea to overshadow a Hague conference.

THE CHAIRMAN: We shall now have the pleasure of hearing from MR. SAMUEL MATHER, the representative of the Cleveland Chamber of Commerce.

MR. SAMUEL MATHER,

MEMBER OF THE CLEVELAND CHAMBER OF COMMERCE.

Mr. Chairman, Mr. Smiley, Ladies and Gentlemen: The Cleveland Chamber of Commerce, which I have the honor of representing here

to-night, is composed of about fifteen hundred members. While perhaps the majority of them are business men and represent business interests, and its activities are very largely in the direction of the material welfare of Cleveland, for the extension of its trade and commerce and improvement of its transportation facilities, yet its activities are in no way confined to that; they are equally active and sincere in their efforts for the improvement of the city, and for the general welfare of the city, the state and the nation. It has interested itself in civil service reform, in consular reform, and in many national and State issues. As a consequence probably of this, its membership is not confined to business men. Connected with it are a large number of the leading lawyers, physicians, and clergymen.

This Chamber, so constituted, Mr. President, has arrayed itself in favor of international arbitration by appointing a standing committee on the subject; by passing resolutions last September expressing their gratification at the action of the Interparliamentary Union at St. Louis in requesting the President of the United States to call another Hague Conference; by expressing their approval of the action of the President in calling such conference; by passing resolutions the past winter in favor of the specific treaties which have been before the Senate and before the country; and by sending a delegate to this convention.

While the Chamber of Commerce of Cleveland is in favor of arbitration from the business standpoint on account of its economy of life and treasure, on account of its appeal to business common sense, on account of its appeal to humanity, to avoid the horrors and miseries of unnecessary war and the hatreds and spirit of revenge that follow after, still it is also in favor of it because it appeals to the spirit of reason, because it seeks to substitute law and order for brute force, and to establish the reign of law.

THE CHAIRMAN: MR. CHARLES B. MURRAY will represent the Cincinnati Chamber of Commerce.

MR. CHARLES B. MURRAY,

MEMBER OF THE CINCINNATI CHAMBER OF COMMERCE.

Mr. Chairman: I was really not aware that I was expected to make any address. I supposed that the representatives interested in this business men's proposition were simply to offer a single word or two. I wish to say, Mr. Chairman and friends, on behalf of the Chamber of Commerce of Cincinnati, that I am sure that the proposition which your committee has introduced will have a favorable consideration and be adopted. Our Chamber of Commerce has for the past two years had a standing committee on international arbitration, and while our people, many of them, are more or less apathetic upon this important subject, still there are some who are alive to all that is implied in its importance. I may mention that a

year ago last January, at the annual meeting of the National Board of Trade at Washington, there was one proposition, and only one proposition, on the official program relating to international arbitration, and that proposition came from our organization. I had the satisfaction of having formulated and introduced it myself. I had the further satisfaction of observing, at the annual meeting last January of the National Board of Trade at Washington, that instead of one proposition, there were propositions from nine constituent bodies represented in the membership of the National Board. That is a very interesting illustration of the spread of thought and of sentiment upon this question among our people.

Mr. Chairman, one word more: I had occasion two weeks ago to offer some expressions on the occasion of the celebration of the Hague Day at Cincinnati, and I want to offer one sentiment on this occasion which I presented then in the nature of a repudiation, if you will so allow me. Were it possible that such a country as our own could rise to the situation of using the great amount which now goes into war equipment in the betterment and beautifying of the highways and in furnishing facilities for relief for the suffering and needy throughout the land, how much of good might result in the better conditions of the people, physically and morally! It is not too much to assume that this country has no need of a war footing; it has no occasion for any attack upon other countries; and without the war equipment and all that it implies, there would be far less likelihood of attack from others. The dignity of such a position for our country would so command the respect of other powers that no one of them would be bold enough to direct their forces against this country, and any intimation of such nature would surely arouse the other powers in a manner to assure protection to a country which dared to set such an example of peaceful relations before all the world.

THE CHAIRMAN: DR. JAMES A. HART will speak for the Colorado Springs Chamber of Commerce.

DR. JAMES A. HART,

MEMBER OF THE COLORADO SPRINGS CHAMBER OF COMMERCE.

Mr. President, Mr. Smiley and Fellow Delegates: Through your considerate courtesy I have the honor of being here, representing the Chamber of Commerce of Colorado Springs, Col. That institution is vitally interested in the life of this Association, and your annual conferences are reviewed with keen interests.

The Directors of the Chamber of Commerce of Colorado Springs are on record with the following endorsement, called forth by your circular, "Why Business Men Should Promote International Arbitration":

"Whereas, At a meeting of the Directors of the Chamber of Commerce of

Colorado Springs, Col., held December 7, 1904, the important question of the several treaties of arbitration now being negotiated between this and other nations was brought before the meeting for consideration, after discussion of the same, it was, on motion,

"*Resolved* (1), That the Chamber of Commerce of Colorado Springs, Col., gives its emphatic endorsement and approval to the movement now being made to secure the ratification of arbitration treaties between the United States and other nations, and (2), That the Chamber of Commerce of Colorado Springs states its belief to be that with only such exceptions as may be regarded as absolutely necessary all international differences, not capable of diplomatic adjustment, should be settled by arbitration."

I simply desire to call your attention to the cosmopolitan character of our little Rocky Mountain City with its thirty thousand inhabitants, and to assure you of the appreciation existing there for the valuable work you have done. The Chamber of Commerce is made up of men who have come from almost every State in the Union, and from all quarters of the globe.

There was a day, and not so very distant either, when such a thing as public opinion was confined to a mighty small handful of men. To-day the public opinion of any nation compels attention and demands respect. I have taken great interest in the development of this organization, from a very small but sincerely earnest beginning. You have reached a point now where your influence will be felt, and I come from the far West to assure you of the coöperation and moral support of an institution whose members thoroughly appreciate your early struggles and commend your present success.

THE CHAIRMAN: I now have the pleasure of introducing MR. W. A. MAHONY, who represents the Columbus Board of Trade.

MR. W. A. MAHONY,

MEMBER OF THE COLUMBUS BOARD OF TRADE.

Mr. President, Mr. Smiley, Ladies and Gentlemen: At the Mohonk Conference last year I had my first experience amid these beautiful surroundings and under the inspiring influence of speakers in the cause of international arbitration. I advocated going to work to push international arbitration among our associates in our home cities. Bear with me while I tell of the year's work in the shape of a brief report to the fathers of the Mohonk Conference. I suggested that each business man present at the Conference use his influence to further international arbitration.

Acting in accordance with my own suggestion, I interested our Columbus, Ohio, Board of Trade, an organization of over one thousand business and professional men, and secured the adoption of resolutions favoring international arbitration. Copies of the resolutions were mailed to our two Senators from Ohio, to each Representative from Ohio, to Secretary Hay and to the President of the United States. Courteous and commendatory replies were received.

Our Board also named a Standing Committee on International Arbitration, placing on the committee Mr. J. A. Jeffry, president of the Jeffry Manufacturing Company, employing seventeen hundred people; Mr. G. W. Lattimer, a graduate of Amherst, a public-spirited citizen of Columbus, who is a manufacturer and also a wholesale druggist; the Board making me the chairman.

The Ohio State Board of Commerce, at its last annual meeting in December, passed resolutions endorsing international arbitration. I was told that our Ohio State Board of Commerce was the first state organization of the kind to take such action. The State Board gave a largely attended banquet at the Great Southern Hotel, where one of the toasts was "International Arbitration." I had the honor of responding, and attempted to show the business men the vast superiority of arbitration over war to settle differences. The State Board of Commerce made me a delegate to the National Board of Trade, which met in Washington last January. There I was placed on the committee before which the subject of international arbitration was discussed, and where resolutions were drawn endorsing arbitration. The privilege was mine of seconding the resolutions and supporting the motion for their adoption. The resolutions were passed, thus committing the National Board of Trade to international arbitration.

While in Washington I talked to Senators Dick and Foraker of Ohio, Senator Cullom of Illinois, chairman of the Committee on Foreign Relations, Dr. Edward Everett Hale and Hon. John W. Foster, and waited an hour or more for my turn to speak to President Roosevelt, who told me he "*always favored arbitration rather than war.*" All of these eminent men favored the ratification of the treaties then pending in the Senate.

The committee of our Board of Trade assisted in bringing before the proper officers of the Ohio schools the subject of the observance of the 18th of May, the sixth anniversary of the convening of the Hague Conference, thus attempting some educational work, along arbitration lines, with the youth of Ohio.

It is an honor to be with you again to-night, as a delegate from the Columbus Board of Trade, and to assure you of the coöperation of our business men in efforts to substitute arbitration for war, to substitute the sane method of arbitration for the barbarous, destructive method of war, in the settlement of differences.

THE CHAIRMAN: The Jacksonville (Florida) Board of Trade is represented by MR. DEXTER HUNTER, to whom we shall now be glad to listen.

MR. DEXTER HUNTER,

MEMBER OF THE JACKSONVILLE BOARD OF TRADE.

Mr. Smiley and my Friends: I came here to listen and to learn, not to talk. As I have been listening, I have thought and thought,

and my thoughts at last have crystallized around two or three propositions. The first of these propositions is the little that I know about international arbitration, and that it is no province of mine nor of the average business man to formulate arbitration treaties or to look after the negotiation of them. The second proposition is akin to the first; it is that it is not particularly my business nor the business of the average business man to attempt to cultivate public opinion, to disseminate the sentiment abroad that will eventually lead to the doing away with war, which we all hope will come to pass some day. That, I think, is the business of the preacher, the teacher, the philosopher, and it is for them to arrange, if they can, that nice adjustment between two essential elements of human character, moral courage and physical courage, so that the first may dominate the last without seriously impairing it. The day will come when that will happen, when every man and woman will look upon war with as much aversion as those of us gathered here to-night would look upon a bull fight, or a fight between two bulldogs who were contesting the right of way to a public road. The third thought was, If this be so, where do I stand, as a business man? What can I do? What can the average man do to forward arbitration? First of all, we can and should contribute of our means; that I think is the first obligation resting upon any business man who is able to contribute at all. Second, within the sphere of our influence, however humble that influence may be, we can bring the matter to the attention of our associates, and in that way promulgate the sentiment that in the end will tell in favor of arbitration.

The consideration that has appealed to me more strongly than any other was what was said by President Gilman and also by Dr. Trueblood yesterday, with reference to the cultivation of a sentiment in favor of arbitration in our public schools; and I was surprised to learn, what I did not know before, that in the State of Massachusetts and the State of Ohio arbitration days or peace days, as they call them, had already been established; and it occurred to me, as I ran over this matter in my mind, that that was one thing that possibly I could do: I might try to prevail upon the members of the association that I represent, and almost every organization in the State of Florida, to seek to have established there an annual day of arbitration. That will be my object on my return. [Applause.]

THE CHAIRMAN: The Massachusetts State Board of Trade is represented by MR. CHARLES E. ADAMS of Lowell.

MR. CHARLES E. ADAMS,

PRESIDENT OF THE MASSACHUSETTS STATE BOARD OF TRADE.

Mr. Chairman: The Massachusetts State Board of Trade, which I have the honor to represent, is composed of forty-six organizations representing the commercial and industrial interests of our

Commonwealth, and in behalf of that organization I desire to express to Mr. Smiley our deep appreciation of his courteous invitation to this distinguished body, and our most kindly greetings and our most earnest wishes that success may attend the endeavors of this Peace Conference in its unselfish work for the public welfare.

We have, with other similar bodies, urged our national lawmakers to execute if possible a permanent treaty of arbitration between this country and the United Kingdom of Great Britain and Ireland, believing that such a compact is a necessity for the prosperity of mercantile intercourse between the English-speaking peoples; also that it would tend to advance the cause of the world's permanent peace.

We have by resolutions asked Congress to endeavor by treaty to establish neutral zones on the Atlantic from the ports of North America to Great Britain and Ireland and the Continent of Europe, within which steamships and sailing vessels in the conduct of lawful commerce shall be free to pass without seizure or interruption.

We have sent copies of these resolutions to the commercial bodies of the United States, Great Britain, Germany, France and other nations, with a request that they bring the matter to the attention of their various governments in the interest of the world's trade and commerce.

Meetings and resolutions are practically useless in securing any public reform unless they are followed by persistent and intelligent aggregated effort, as illustrated in the creation of the Department of Commerce and Labor, which required constant knocking at the doors of Congress fourteen consecutive years by the business men of the entire country before the desired national legislation could be obtained.

I believe that thorough work by State organizations is the most effective way in which the results that this Conference desires can be obtained. Churches have their State organizations. The women's clubs have excellent State associations, and State Boards of Trade, through the assistance of the Department of Commerce and Labor, can be organized where they do not now exist, and this unification of interests ought to be able, if intelligently directed, to be of great assistance to the American peace societies in their uplifting and humanitarian work.

Massachusetts has her churches well organized. The State Federation of Women's Clubs represents thirty thousand women earnestly interested in advancing the public welfare, and with her State Board of Trade representing the mercantile interests, I am justified in assuring this Conference that our Commonwealth, which has been so closely identified with the peace movement in the past, can be relied upon to still continue to give her sympathy and assistance in forwarding the noble work.

THE CHAIRMAN: The next speaker will be MR. A. B. FARQUHAR of York, Pa., who represents the National Association of Manufacturers.

MR. A. B. FARQUHAR,

MEMBER OF THE NATIONAL ASSOCIATION OF MANUFACTURERS.

The cause of international arbitration would have little interest for any one if there was room to doubt that its establishment is the best practical method of avoiding wars among the nations of the earth. From all other points of view the objections to it, plainly as they show themselves on the surface, would hopelessly defeat it. Not its most ardent advocate dreams of denying that arbitration, on any scheme yet suggested or devised, involves long delays and heavy expenses, must depend on precedents of the most uncertain and principles of the most unsatisfactory character, and must be administered by men who have the weaknesses of human beings. If a system of this kind is not, after all, the only practical alternative to the brute rule of the strongest, nothing could be more appropriate than to search for something without these defects and inconveniences.

A remarkably thoughtful and valuable article, recently written by Dr. Felix Adler for the *Ethical Record*, is entitled "The Real Obstacles to International Peace," and is largely devoted to showing that progress in knowledge, in material civilization, in commerce, does not necessarily result in removal of such obstacles. He finds that "the International Hague Tribunal is a thing of very limited utility," because it "is not yet a court; it lacks the element of disinterestedness; and, the representatives being international lawyers, it bases its decisions on bad precedents; and it recognizes the right of aggression, if only the aggression be thorough." These are grave arraignments. I have no present desire to join issue with him, but merely to show that, granting the truth of every count in this indictment, it is yet our imperative duty to urge the claims of the Hague Court of Arbitration to the utmost of our power.

The reason for this view is simply the inadmissibility of any alternative. Professor Adler proposes "building up this ideal, which as yet is lacking." "What we need before there can be an international law is a basis of international ethics," according to which "there are certain rights, as between nation and nation, which must be protected by society at large." "I would have a League for International Justice, extending through all civilized states, and acting as a direct check upon any warlike passions that might come from the multitude, a check upon any frenzy that may threaten to spread, and a check also upon the sinister and selfish designs of the cliques that control the governments, more or less,—a check, that is, in both directions, popular and governmental."

I have not found, in a careful study of Dr. Adler's article, anything which is more definitely suggestive of a practical solution than the passages just quoted. That the writer's "ideal," his fully developed "basis of international ethics," his instantly potent "league of international justice," would be admirable things to have, and

that, if we could have them by resolving to have them, it would be a great mistake to put up with any makeshift so faulty and clumsy as a Hague Tribunal, none of us would deny. But the difficulty is that we have not these things where we can lay our hands on them when they are needed, and we have no means of getting them ready for immediate use in an emergency. An arbitration court, established by treaty, is at least something definite, and, for the purpose of practical application, that is a merit outweighing a multitude of shortcomings.

The ethical question of peace or war, as has often been insisted — by Professor Adler, among others — is essentially the same for nations as for individuals; what is right or wrong on the smaller scale is right or wrong on the larger, and for the same reasons. There is a general and ought to be a universal agreement that the best prospect of bringing the nations into right relations with each other is by impressing on the consciousness of humanity the perfect parallelism of large to small social aggregates, so that murder and rapine may find as little approval in the one application as in the other. It is an almost necessary consequence of this view that the course of development should be similarly parallel; that the same progress, from the settlement of differences by fist-fighting, or the duel, or the mediæval “private battle,” to a general supremacy of law, should take the same direction for both. In individual contentions, where peaceful methods have at length substantially triumphed, law has established its rule by means of judicial courts. These courts, it must be admitted, are open to almost all the objections made against the international arbitration-tribunal: they are vexatiously slow, are ruinously costly, are swayed by precedents which are sometimes bad, or by prejudices which are sometimes subversive of equity. Nevertheless it is through this very instrumentality that the result we seek has been achieved in a parallel case and could not have been achieved otherwise. This field was as suitable as any other for the building up of better ideals, for the establishment of a general league to promote justice, for the work of the gospel of Christ, for the personal influence of saintly men. Some of these factors had their influence, I dare say, but we know that the work was done by supplying something definite in the place of private warfare, something which could be laid hold of and applied to any contention that might arise. The case is the same with international contentions, and the remedy must be of the same character.

That there are some objections that may be made to the Hague Tribunal, not applying to the ordinary courts, I do not forget. Dr. Adler calls attention to the limited number of powers, from whose judiciary the judges have to be taken, as a reason for doubting whether any judges can be found who would act disinterestedly. This point is well taken, the difficulty thus shown being a real one. But how small the difficulty seems, when weighed in the balance of Peace or War? Besides, there is a consideration, quite as weighty, on the other side. If private suits have an advantage

over international suits in finding it easier to submit themselves to judges whose situation and antecedents do not prepossess them on either side, a no less distinct advantage belongs to the international in the character of the judges who have to handle them. At such a tribunal as that provided by the Hague Convention no country can afford to be represented but by its best men. If the tribunal becomes what it ought to become, the accepted international arbiter, the weight of each nation in it will depend directly on the high character of the judges by whom it is represented, so that the chance of a prejudiced verdict from it will be as little as from the United States Supreme Court.

In the history of courts of justice there is much to encourage us. We remember that the courts, as is plainly shown in the name of "King's Bench" applied to one of them, were at first personal representatives of the sovereign, called into operation simply to save him the trouble of sitting in every case—he being looked upon as the fountain of justice. We know what those mediæval monarchs were, and can readily infer what sort of justice was to be expected from them or from their personal representatives; nor can it be denied that the findings and sentences of courts in those ages were very much as might have been expected. Our surprise is the less, accordingly, when we read of the amount of private fighting by which they had to be supplemented. The encouragement comes when we compare those dark ages with our own, and realize that this is indeed a world of progress. That a like progress would be shown by the international arbitration court, when once it became a fixed institution of our civilization, is more than probable—it is inevitable. There are plenty of "bad precedents" before it now, as Professor Adler rightly reminds us, but the court is still in its infancy. The experience of other courts assures us that the body of precedents is certain to improve, and we may confidently expect that this court will be guided, before long, by good precedents.

Finally, we must not forget that the best work done by the civil courts is in cases that never come before them, and it will be so in the case of the International Court of Arbitration. It is less in litigation decided, after all, than in litigation avoided, that our law has its noblest triumphs; and it is exactly in this view that its delays and its costs cease to be grievous evils. This silent influence our law is able to exert because it is universally accepted as the arbiter of final resort, and men may forecast its decisions and be guided thereby. We may accordingly expect to see the beneficent influence of the arbitration tribunal not only in the acceptance of its findings, but in the increased power of ordinary diplomatic agencies to settle international misunderstandings without calling upon it.

Now and then, we must admit, international differences may arise which arbitration is powerless to settle. Not long since, Mr. Bob Fitzsimmons and Mr. Jim Jeffries had a divergence of view, which no court could compose, as to which of them was, in their parlance, the "better man." Where the nations have similar divergences,

they must, of course, follow the Fitzsimmons and Jeffries plan to decide them. But may we not hope that, as the twentieth century advances, cases of that kind may grow fewer and fewer?

THE CHAIRMAN: The New Haven Chamber of Commerce is represented by MR. LYNDE HARRISON, who will now address the Conference.

HON. LYNDE HARRISON,

MEMBER OF THE NEW HAVEN CHAMBER OF COMMERCE.

Mr. President, our Honored Host, Ladies and Gentlemen: The New Haven Chamber of Commerce has for eighteen months taken deep interest in arbitration, held several meetings, and adopted resolutions endorsing all that has been done by this association and others upon the subject, and sent copies to Senators and Representatives in Congress and to the President of the United States. The business men of New Haven, the professional men of New Haven, the Professors of Yale College and above all the workingmen of New Haven stand together in support of the principle of abolishing war and settling all matters, especially between the nations of the world, by arbitration. Whatever may be done, you can count upon the people of New Haven and the people of Connecticut, too, in supporting anything that is done. I have since February talked with men of New Haven and members of the Chamber of Commerce upon the subject, and they all say that they believe the thing to do now is to promote a second conference at The Hague, and then to have prepared, just as soon as the administration of President Roosevelt is ready, new treaties or the old ones amended in such a way that their ratification by the Senate of the United States will be insured. There is no doubt in my mind that two-thirds of the Senators of the United States are ready to ratify some treaties on the subject. They were ready by almost a two-thirds vote to ratify the Olney-Pauncefote Treaty of 1897. When William McKinley was President they ratified the action of the Hague Conference, and they will ratify anything that may be done at the second conference. We, in New Haven, have confidence in the administration and in the United States Senate.

THE CHAIRMAN: The New York Board of Trade and Transportation is represented by MR. WM. H. GIBSON, who will be the next speaker.

MR. WM. H. GIBSON,

MEMBER OF THE NEW YORK BOARD OF TRADE AND TRANSPORTATION.

Mr. Smiley, Mr. Chairman, Ladies and Gentlemen: The New York Board of Trade is composed of firms and corporations to the number of about seven hundred. We have always been active in the work

of promoting international arbitration. Mr. Oscar S. Straus, whom you heard this morning, and who is one of the American representatives in the Court at The Hague, has been for four years President of the Board. That, I think, is sufficient to prove to you that we have been very active in this work, not only in sending out literature, the circulars of the Mohonk Conference, but also in sending delegations to Washington; and I know myself that Mr. Straus personally interested himself in going to Washington and trying to secure the ratification of the recent treaties.

I am not going to say anything more on that line. I just want to call your attention to a proposition that was initiated in a conversation between a number of merchants in New York the other day, and that is whether we have a rising military spirit in the United States. It has seemed to be the prevailing opinion of the merchants that that is really the case; while the army as it now stands is double what it was some years ago, still they do not consider that dangerous, because there is only about three-fourths of a soldier to every one hundred thousand of the population. But, as it was said, we have invested one hundred and seventy-five millions in a navy composed of two hundred and sixty-five vessels of all classes. The question is whether this fighting force of the government has not reached a point that is "quite safe," and does not need to be further enlarged. Having this power, may we not, when we are perhaps unduly provoked, use it in a manner not becoming so peaceful a country as we claim to be? Pursuing the investigation a little further, we found that we have one hundred and ten thousand armed and drilled militia in this country, and forty-seven thousand of the children and young men of the country in the schools being drilled in military tactics, some with swords, some with rifles, some with both. It seems to the merchants of whom I am speaking that there are plain evidences of a rising military spirit in the country of which we may well beware.

THE CHAIRMAN: The New York Manufacturers' Association is represented by MR. R. W. BAINBRIDGE of Brooklyn.

MR. R. W. BAINBRIDGE,

MEMBER OF THE NEW YORK MANUFACTURERS' ASSOCIATION.

Mr. Chairman, Our Host, Ladies and Gentlemen: When I hear our friend from the Board of Trade speaking of spending \$175,000,000 for a navy, I recall the fact that last year the government spent \$96,000,000 in carrying second class mail matter, half of which went into the waste basket. The Manufacturers' Association of New York sends greetings to this Conference. I should like to speak of the relation of good government to peace as an element of vital importance. While good government is a force to ensure peace, it is equally a force to ensure victory in time of war. National

integrity is as necessary as business integrity to the erection of a permanent structure. Good government for peace would call for every effort to avoid war, while good government for victory in war would call for the careful scrutiny of every bit of ammunition, every gun and every plate of armor. We have had two examples, one very recently and one only a few years ago, where the importance of good government and official honesty in the scrutiny of our munitions of war was painfully manifested. I want to leave with this Conference the single thought that the integrity of the nation is its best safeguard for peace.

THE CHAIRMAN: The New York Merchants' Association is represented by MR. W. A. MARBLE, who is next in the order of speakers.

MR. W. A. MARBLE,

MEMBER OF THE NEW YORK MERCHANTS' ASSOCIATION.

Mr. Smiley, Mr. Chairman, Ladies and Gentlemen: I have the honor to represent the Merchants' Association of New York as its vice-president, an organization composed of a little less than one thousand of the leading merchants, bankers and manufacturers of the city. I do not come here for the purpose of trying to teach you what we think you ought to do, except in one direction. We have unanimously passed a resolution endorsing the principles of international arbitration as expounded by the Mohonk Conference, and we have also organized for the purpose of continuing the work. The point that we would urge upon you is only that of continued and persistent activity.

As Mr. Kline has set the example, perhaps I may be excused if I use a little story in the way of illustration of that persistent activity. The story is told of two frogs that were at a spring, near which was placed a can of milk. The frogs, by some accident, got into the can of milk and the cover was put on. After paddling around for some moments without any chance of escape, one frog said, "Well, I am going to the bottom; there is no use for me to do anything else." The other frog replied, "Well, I am going to keep paddling as long as I have any life left." The result was that he kept on paddling, and in ten minutes he had formed a pat of butter on which he floated until the can was opened.

Excuse me for a personal remark. Forty years ago it was my privilege and my pleasure to be a student under one of the famous instructors of New England, a Yankee Quaker schoolmaster. It was at his feet that I learned the first principles of peace and the evils of war; it was under him that I had the privilege of studying the Constitution of the United States. It is to that man more than to any other that I owe my patriotism, my love of peace and hatred of war; and that Yankee schoolmaster, ladies and gentlemen, is our honored host, Albert K. Smiley. [Applause.]

THE CHAIRMAN: MR. JOEL COOK will speak for the Philadelphia Board of Trade.

MR. JOEL COOK,

MEMBER OF THE PHILADELPHIA BOARD OF TRADE.

Mr. Smiley and Mr. President: I am a peaceful Quaker from the banks of the river Delaware, where we build battleships. But we have been training the guns upon ourselves for the last two or three weeks, and I concluded it was best for me to get out, so I came up here. Now I am not going to repeat anything that has been said before, but in order to keep within my four minutes I adopt all the propositions, accepting everything. I bring you a cordial greeting from the Philadelphia Board of Trade, which had for many years as its president the venerable Frederick Fraley, one of the greatest arbitrators in the United States. That venerable organization, which has always had its committee on arbitration, began in the early part of the last century to arbitrate mercantile disputes and business questions, a method of procedure with which all merchants and business men are familiar, and it broadened that committee out some years ago to cover international arbitration. It is not a new subject for us.

There was a reference made to-night by the gentleman of the New York Board of Trade and Transportation to Mr. Oscar S. Straus. Mr. Straus this morning, continuing a reference made yesterday by the gentleman from Alabama, referred to what he called the first messenger of peace, Stephen Decatur, who was sent out into the Mediterranean to suppress piracy with a naval force. That reminds me of the great change that has come over the community in the method of dealing with what might be called the opening of the paths of commerce. Some four centuries ago, in the Mediterranean, a couple of renegade Greek brothers, named Barbarossa,—the Red Beards,—invented the game of piracy. They captured control of the entire African coast of the Mediterranean, dominated the cities of the north side of that sea, made their headquarters in Algiers, and for three centuries they dominated that great inland sea and held every nation of the world at bay. All nations paid tribute. England, in the latter part of the eighteenth century, was paying as much as two hundred and seventy thousand dollars a year to buy the right of British commerce upon that sea. The United States, when it started as a nation, went on with the same method. The United States had paid in the early part of the last century as much as three millions of dollars in contributions to buy the right of American commerce on that sea. Those pirates were shrewd, because they always required the nation that paid these tributes to give them their war supplies. One year the United States built a frigate that cost nearly one hundred thousand dollars, one of the best ships of war of that day, and sent it over to have its guns turned upon their own commerce. We got tired, we Quakers of the Delaware River, of that

sort of thing, when the money that was paid was simply put in their own pockets and no peace kept. Stephen Decatur, by the united counsel of New York, Philadelphia and New England, went out and conquered a peace, and then England stopped paying and went and acted in the same way, and then France went in and captured Algiers, and made the province of Algiers, and that ended piracy. I only want to suggest that the methods now are different. Arbitration, the beneficent system which has had more of its development and growth and inspiration here than anywhere else in the world, is a much better method of conquering the road of commerce, the road for the merchants, than either the tribute that was paid or the ships that were sent under the gallant Decatur.

THE CHAIRMAN: GEORGE BURNHAM, JR., will speak for the Philadelphia Trades League.

MR. GEORGE BURNHAM, JR.,

MEMBER OF THE PHILADELPHIA BOARD OF TRADE.

Mr. Smiley, Mr. Chairman: I, too, come from Philadelphia, but I come from the banks of the Schuylkill. Philadelphia, as you know, has the reputation of being, let us say, somewhat deliberate, but when she speaks she speaks with no uncertain sound, as those of you who have followed her history in the last three weeks may know. [Applause.] I believe that when public opinion in Philadelphia is ready to say what it has to say on the question of international arbitration, it will say it as unmistakably and as forcibly as it has settled its issues with the politicians. As to the business men's attitude on this question, we had a little light thrown upon events that occurred in Philadelphia last winter when the treaties were under consideration by the United States Senate. A few of us there gathered together to see if we could bring public opinion to bear toward the ratification of those treaties. We were a little doubtful as to the expediency of holding a large meeting, and we decided we would hold instead a business men's meeting. I want to say to you quite confidentially and privately that I had concluded that I might safely cut that meeting, but when the day dawned gloomy and threatening, my conscience was stirred, and I said to myself, "I cannot go back on my good friends, Mr. Kline and Mr. Woodruff, who, with the less hardened speakers that we had invited to be present, will surely be at that meeting such a day as this." So I decided to go. To my surprise I found that the hall, holding perhaps one hundred and fifty or two hundred people, was crowded, so that I had difficulty in finding a seat; and through that threatening, gloomy, rainy afternoon that crowd of business men, coming there from their business duties, listened attentively and applauded enthusiastically points made by the speakers in favor of arbitration. I think you may rely upon it, sir, that Philadelphia is in favor of international arbitration.

THE CHAIRMAN: We shall now hear from Portland, Me.

MR. M. M. BAILEY: I did not expect to be called upon to-night. I will simply say that I am in full sympathy with the arbitration movement.

THE CHAIRMAN: The Providence Chamber of Commerce is represented by HON. FREDERICK H. JACKSON, Lieutenant-Governor of the State of Rhode Island.

HON. FREDERICK H. JACKSON,

MEMBER OF THE PROVIDENCE CHAMBER OF COMMERCE.

Mr. Chairman, Ladies and Gentlemen: To the statesmen, educators and orators who are gathered here, our efforts this evening must seem very sophomoric, if not more simple even. Our business is not to talk, but to act. It is reassuring to believe that little will be expected of us by those who apprehend the situation.

The most fluent man cannot say a great deal in four minutes, the time allotted to each of us. I have been reconciled to a lack of fluency by a definition that has recently come to my notice. I find that fluent is derived from flue, an escape of hot air, and fluency is the art of releasing the same.

Few realize how much arbitration conferences are doing for business organizations. The idea carried out last year in this place of having various Boards of Trade and Chambers of Commerce participate in the conference gave new evidence of the inspiration that has so often manifested itself in the life and work of the remarkable man who is the presiding genius of this wonderful place. That meeting was a revelation. Once demonstrated that the relationship between commerce and business was vital, the wonder grew that so few had realized it. The meetings held later in the year 1904 in Boston, New York and Philadelphia, in connection with the International Peace Congress, were the natural outgrowth of the meeting here in June. The organization which I have the honor to represent has derived no little benefit from the movement. We were invited by the Local Council of Women of Providence to coöperate with them in a meeting to be addressed by members of the Peace Congress to be held immediately upon the adjournment of the International Congress at Boston. These earnest women had held meetings from year to year, meetings of not special encouragement because of the lack of interest on the part of the general public. The one bright spot in their work prior to the very successful meeting held last October was when Mrs. Mead of this Conference had brought hope and inspiration to them from her own personal experience and enthusiastic personality.

Aside from the meeting already referred to, which, by the way, was a great success for Providence, the only action on the part of

our organization during the year has been the passage of resolutions requesting the Rhode Island Congressional Delegation to endorse and aid the advancement of arbitration treaties.

The Prince of Peace through his gospel established the highest standard of life: that standard has not been lowered, but the spirit of the gospel has been at work in the world gradually lifting up the standard of the world and of business to itself; and when at last the rules of trade and commerce shall correspond with the Golden Rule, it will be because the standard of life has reached the high level of the gospel. I believe it can be said, without fear of contradiction, that the Mohonk Conference, established at this hearthstone, has been the greatest single agency in our land for the bringing to pass of this ideal condition.

THE CHAIRMAN: The Rochester Chamber of Commerce is represented by MR. JOHN M. IVES, who will now speak for four minutes.

MR. JOHN M. IVES,

SECRETARY OF THE ROCHESTER CHAMBER OF COMMERCE.

Mr. Smiley, Mr. Chairman, Ladies and Gentlemen: So long ago as 1899 the Rochester Chamber of Commerce passed resolutions in favor of international arbitration. At that time an illuminated address was sent to the Czar of Russia. It might have been presumption on our part, but we sent it, thanking him for what he had done. He may have fallen from grace since that time, and we may, but we endeavored to start him right at all events.

We believe not only in arbitration between nations, but we believe in arbitration at home. Since I have been sitting here the thought came to my mind that I might tell you a little story very briefly. When the Chamber of Commerce undertook to settle the dispute between the men and masters of one of the great industries of Rochester, the men had arrived at a point where they refused to meet the masters any longer, and it looked as though the great industry was to stop. It occurred to the Chamber of Commerce that this might be prevented, and a delegation was sent to talk with the men about it. They said they did not know that they cared to meet the masters. It is almost always the other man who does not want to arbitrate, but this time it was the men. We talked with them a second time, and asked them if they would come in and tell their story and allow the masters to be present. They said, yes, there was no objection to that. I was delegated to pass the cigars around, and one man picked up the box and looked at it and said, "Where is the union mark on this box?" That was a kind of arbitration argument I had not thought of. He did not take any cigars, but the next time the box went around he took one, and I thought progress was being made. To make a long story short, we were successful in securing arbitration, and an agreement was entered into for two years

between the men and masters, and it has been continued since that time. We have not had a strike in Rochester, and I do not want you to discount Rochester, because Rochester speaks for itself and can "deliver the goods." [Applause.]

We have not had a big strike in Rochester for sixteen years, and one of the reasons, I think, is because the men, the workingmen of Rochester, own their own homes. In fact, I believe that to-day more workingmen in Rochester own their own homes than even in Philadelphia. Rochester is a beautiful place. We believe in arbitration very strongly, and we should be very pleased to see you there, when you are through with your beautiful surroundings here. [Applause.]

THE CHAIRMAN: We shall now hear from the beautiful city of Scranton, Pa., whose Board of Trade is represented by MR. A. W. DICKSON.

MR. A. W. DICKSON,

MEMBER OF THE SCRANTON, PA., BOARD OF TRADE.

Mr. Smiley, Mr. Chairman, Ladies and Gentlemen: My good Rochester friend reminds me of a little story that you may not have heard. A son of a minister said to another boy, "My father gave me a hen, and she laid an egg yesterday."

"O, that ain't anything," was the reply, "my father lays a corner-stone every week or two."

Scranton cannot compete with Rochester in any other way than that.

I have thought, Mr. Smiley, sometimes yesterday and this morning likewise, that I could notice a little vein of discouragement, a little pessimistic tone, in our Conference this year. I suppose it is partly due to the attitude of the Senate on the arbitration treaties, and to the fact that we have not been successful in stopping this great Eastern war during the year. But, Mr. Smiley, revolutions never go backwards. This great cause of international arbitration is here to stay. It will go on conquering and to conquer, until it spreads over all the earth. What can a business man say in four minutes about such a great theme as that, when we have here our Brewers, Strauses and Littlefields to tell us about it? I am reminded of a story, Mr. Smiley: you like stories, and so I will tell you this one. A good old darkey down in Georgia was accustomed to preach, and he was not ordained. Somebody said to him one day, "Uncle Sam, why don't you get ordained and then you could baptize the children and marry the people, and you would be more useful?" "Well," he said, "I will tell you. It's this way: When a man is ordained he's got to take his text and stick to it, but when he is an exhorter, he can branch out."

So we may be able to branch out, while we could not follow a continued line of thought in the four minutes. On Tuesday night I was coming over from New Platz, Mr. Smiley, in one of your beautiful carriages. We had traveled all day and we were tired and it was

coming dark. As we came around under the shadow of that great cliff we were tired and darkness was coming on, but suddenly from the western sky there shone out a magnificent brightness that illuminated and glorified all the darkness and gloom of that great hillside. In an instant our hearts were roused into thankfulness and joy and gladness. So it will be in regard to this international arbitration movement. We shall have universal international arbitration; we shall have an international congress; we shall have action upon international law from a competent authority. This thing is going on; it cannot stop.

THE CHAIRMAN: MR. GEORGE H. SUTTON will speak for the Springfield Board of Trade.

MR. GEORGE H. SUTTON,

MEMBER OF THE SPRINGFIELD BOARD OF TRADE.

Mr. Chairman: It is an honor and privilege for me to represent the Springfield Board of Trade, but, quite fortunately for you and fortunately for me, we have a distinguished member of the Board here who can tell you in a more fitting manner than I what the Springfield Board of Trade has been doing. I refer to Rev. Philip S. Moxom.

REV. DR. PHILIP S. MOXOM,

MEMBER OF THE SPRINGFIELD BOARD OF TRADE.

Mr. Chairman: Only the consideration that for the past twenty-four hours Mr. Sutton has been suffering somewhat severely with illness induced me to yield to his suggestion that I should take his place. It is true that, although a minister, I am a member of the Board of Trade of Springfield, and very glad and proud to be a member. I am therefore somewhat familiar with the character and methods of the Board. Let me say that Mr. Sutton is not only a member, but an active and honored member of the Board.

At the conclusion of the International Peace Congress in Boston last autumn, the Board of Trade of Springfield, by a committee of its members, organized a mass meeting in the City Hall, which was effective in presenting the cause of arbitration and exerting considerable influence in the city. The Board of Trade has appointed a permanent committee on arbitration and every year the matter will be presented in some form to the something over four hundred members of the Board. I wish you to understand that the organization is made up very largely of business men; I happen to be the only clergyman who belongs to it. More than that, the Board has established a prize, an annual prize, to be given to the senior of the Springfield high school who writes the best essay on the subject of arbitration and peace between the nations. I consider that one of

the best things that the Board has done, and the response on the part of the citizens and of the youth of the schools is very encouraging.

Now, Mr. Chairman, I have taken one minute to tell these facts; let me have one or two minutes more. The thing that has impressed me with reference to the attitude of the business men toward this question is that they do not approach it on the basis of a merely business proposition; they are not thinking primarily of the commercial advantages of peace—I have not heard that separately mentioned. But they are basing their interest on their sense of justice, their respect for the rights of men, their feeling that the relationship between the nations in the great family of the earth is a relation between moral personalities, and that the same ethical principles which control the relations of men with each other in the family and the community must control the relations of nations in the great families of the world. So far as my experience goes the business men who are thinking upon this subject are thinking upon the higher moral plane which is represented here in this Mohonk Conference. That I think will be found to be characteristic of the business men of America, far more perhaps than some would suspect; and this is to me a note of the greatest promise. The very war that now approaches its conclusion has forced upon the minds of people, more than anything that has lately happened, the ethical demand for a method of settling international difficulties by other means than war: the cause has been helped forward despite the trouble; and by the failure of the treaties in Washington, as some of us think, more men have been set thinking upon this question all over our country. The demand is rising every day and spreading wider and wider. The day is much nearer than we thought when war will be relegated to the rear.

THE CHAIRMAN: The next speaker is MR. H. H. WERNSE of the St. Louis Merchants' Exchange.

MR. H. H. WERNSE,

MEMBER OF THE ST. LOUIS MERCHANTS' EXCHANGE.

Mr. Smiley, Mr. Chairman, Ladies and Gentlemen: St. Louis is supposed to be a slow city, so you won't hear very much in four minutes. I represent the St. Louis Merchants' Exchange, and its seventeen hundred and ninety members send you greetings and wish you Godspeed in your movement for arbitration. The older men of St. Louis—and I am one of them—know from experience the horrors and damages of war; I refer to 1861-5. They also know that war stops the wheels of commerce, and they know that no one is more interested in peace and in peaceful arbitration than the merchant, the manufacturer and the banker. I have great hopes in a permanent Court of Arbitration, and I have been inspired to it by the meeting of the Interparliamentary Conference in St. Louis last year, where

I heard peace and arbitration talked in twenty languages. [Applause.] I want to tell you it was one of the most inspiring days of my life and experience to come into contact with the delegates. I think St. Louis can properly be proud of being the first city upon this continent to have an Interparliamentary Conference. St. Louis has the further pride of having one of its citizens, the Hon. Richard Bartholdt, the President of that Union, which is to meet again next August in Brussels. I thank you, ladies and gentlemen; St. Louis is all right, and we are for arbitration.

THE CHAIRMAN: The Syracuse Chamber of Commerce is represented by PROF. D. E. HAWKINS.

PROF. D. E. HAWKINS,

MEMBER OF THE SYRACUSE CHAMBER OF COMMERCE.

Mr. Chairman: The Syracuse Chamber of Commerce desires to express its appreciation of the splendid service of Mr. Smiley in behalf of international arbitration and to thank him for his generous hospitality. To say that it is desirable that reason should be substituted for force in the settlement of international difficulties is to express a sentiment universal among business men, and not only among business men, but among all enlightened men the world over. When, however, we come to the method by which that desirable state may be attained, there seems to be some difference in opinion. I read in one of the New York papers this morning this statement from a prominent Russian general, who was commenting upon the great epoch-making battle recently fought in the Japan Sea: "This," he said in substance in the paper, "this war teaches the lesson that intelligence, good government and freedom will always triumph over ignorance, misrule and despotism." I raise this question: Is it not probable that the most effective weapons of warfare are to be in the hands of the most enlightened and progressive nations of the earth, and that they are perhaps in the main to be used for the extension of the ideas and institutions of civilization, and indirectly, too, for the promulgation of the idea that we are trying to promote, that of international arbitration? Is it not possible that we are to have, to use an expression frequently used by our President, "the just nations armed for justice," and that disarmament will come gradually so far as it is practicable and possible? The most advanced and enlightened nations, while being thoroughly armed to meet the requirements of any possible exigency, will always, through such efforts as are being made by this Mohonk Conference and by many other agencies, be endeavoring to further the establishment of a permanent court of arbitration and to further its perfection and the establishment finally of universal peace and the abolishment of war.

REMARKS OF THE CHAIRMAN,

REPRESENTING THE WILMINGTON (DEL.) BOARD OF TRADE.

Mr. Smiley, Ladies and Gentlemen: Perhaps it is well that Wilmington commences with W and is the last on the list. The Board of Trade of the city of Wilmington, Delaware, has given its commission to me to bring to you its greetings and to testify for it that it is heartily in accord with all that has been said by its sister Boards of Trade throughout this broad land, and that it stands with the rest of the good citizenship of this country, shoulder to shoulder with those who are advocating this great cause and seeking to spread the gospel of peace throughout this land and throughout the world.

The best thing, perhaps, that I can say for that Board of Trade, which numbers in its membership the leading citizens in all the walks of life, in that town of eighty thousand people, is that we have here among us to-day, as a member of this Conference, its leading member, heartily in accord with all that has been done here, heartily in accord with the highest, the best thought of this country in the direction in which we are striving to go. Mr. William P. Bancroft, who for years has been an able, zealous and intelligent advocate of all that makes for the peace of the world, the good of humanity and the elevation of mankind, is one of the foremost of our citizens and one whom we are always proud to call a representative citizen of Wilmington.

And now, ladies and gentlemen, I have only to say that the exercises of this day have been most grateful to every lover of the great cause in which we are enlisted, and that I trust that to-morrow's meetings will give further evidence of the zeal with which we all are enlisted in this great work. It is now my duty — I won't say my pleasure — to say that the Conference stands adjourned until ten o'clock to-morrow morning.

Fifth Session.

Friday Morning, June 2, 1905.

THE CHAIRMAN: The Conference will please come to order. I hold in my hand a letter, a portion of which I desire to read, because I think it will be of interest to the members of this Conference. The letter is to Mr. Macfarland from Sir William Mather of Manchester, England, who has been for eight or ten years a member of Parliament, and whom we all hoped to have had with us on this occasion. Sir William Mather, I may say to those who do not already know him personally or by reputation, has been one of the leading spirits in all the advance movements in England, both in education and in bringing about that better feeling between this country and England for which we are all so thankful. Sir William came to this country hoping to attend this Conference, and it would have been a great delight to have heard from him.

THE NEW WILLARD, WASHINGTON, D. C., May 29, 1905.

My Dear Mr. Macfarland: . . . We regret deeply that we have been obliged to abandon our intended visit to Mohonk Lake in consequence of unavoidable delay in this city and the necessity of stopping off two days at Wilmington to fulfill an obligation to friends there that cannot be postponed.

We lost some time at St. Louis, and we cannot catch up again to enable us to reach Mohonk Lake for the Conference—a disappointment I shall not soon forget.

. . . I cannot adequately express how much I deplore the obstacles that now prevent me from joining you. I am consoled by the fact that I may accomplish here some small work in the interests of international arbitration before I leave. My earnest desire is to help in making this cause the great object of the hardest-headed business people of the three nations, America, England and France. If this can be accomplished, potentates, principalities and powers will be compelled to come into the courts of reason by the overwhelming voices of the peoples of the world.

Sincerely and gratefully yours,

W. MATHER.

MR. SMILEY: I think it is a good time for me to say that we are very anxious to get prominent foreigners from any city in the world that come to our country. They will not come over purposely to attend this Conference, but when they are over here some of you may know it, and I wish you would telegraph us at once and let us know who they are, that we may invite them to the Conference.

THE CHAIRMAN: There is another matter which has been brought to my attention and with which I am heartily in sympathy, and as it has no direct relation to the special subject of arbitration, although indirectly to the morning's exercises, I thought it best to call the attention of the Conference to it before the first speaker of the morning is called upon.

There is a movement among a number of gentlemen who are much interested in the general subject of international arbitration, lawyers who are the leading members of the law schools of the country, who are desirous to bring about an American Association of International Law, and connected with that the publication of a periodical devoted entirely to the development and advancement of international law throughout the world. I am told, and I believe it is true, that there is no such journal in English now devoted entirely to that great subject. International law, you know, is, in its establishment, development and enforcement, in the endeavor to secure for it the sanction of a world-wide public opinion, one of the great objects of all who are interested in international arbitration. For, after all, international arbitration is not a mere sporadic effort to decide the cases that may arise by rule of thumb; but it means the establishment of the judgments of these great world courts upon the firm foundation of law. No system of international arbitration can ever succeed or have that firm establishment which we all wish for it unless it is founded upon law. The science of international law, which had its foundation after the wars in Europe in the Middle Ages, has grown since and is becoming more and more important, and international peace is the *sine qua non*, the essential condition, of international law.

As soon as Dr. MacCracken has concluded his address, I shall call upon Prof. George W. Kirchwey to say a few words on this important subject. I will now introduce to the Conference the gentleman who will speak this morning upon the relations of our schools and colleges to the work in which we are engaged, DR. HENRY M. MACCRACKEN, Chancellor of New York University.

THE RELATIONS OF THE SCHOOLS AND COLLEGES TO THE MAINTENANCE OF PEACE.

ADDRESS OF DR. HENRY M. MACCRACKEN.

The familiar saying that it takes two persons to make a quarrel and two nations to make a war is true only in the same sense that it takes two men to make a cannibal: it takes one man to eat and the other man to be eaten. It will not suffice, in order to maintain peace between the United States and the other nations of the world, that the men who constitute our own government shall resolve upon peace. It is also necessary that the government of the second part shall in like manner be earnest in its determination to avoid war. When any two governments and the representatives of those governments are each intent upon avoiding war, peace between these two parties will then be preserved. The problem of persuading any two governments to keep the peace is the problem of persuading the persons who constitute these two governments resolutely and ever to reject the thought of war.

I am to discuss the relation of the schools, universities and col-

leges in the United States to the maintenance of peace. The utmost stretch of imagination would not lead me to find that anything that these universities and colleges can do would banish the possibility of war between any other great nation and ourselves; but if, on the other hand, we can imagine that throughout a generation the higher schools of learning of our own country had done the utmost possible in teaching a right doctrine respecting national obligations, and that in like manner in a sister nation the teachers of that nation, in school and college and university, had also done their utmost duty in the same direction, then the highest probability would be that the governments of those nations would never dream of arriving at a settlement of their differences by the use of the cannon and sword.

Charity begins at home. The charity towards mankind that would make war impossible, or at least in the highest degree improbable, must begin its work in our own country. But charity that begins at home ought not to stay at home. The universities and colleges of the United States may possibly, after more nearly fulfilling their obligations to their own land, attempt something for other lands in this matter of preventing or hindering the nations of the earth from strife such as this week has strangled from seven to fourteen thousand men in iron boxes under the sea called the Pacific Sea.

What are the universities and colleges of America attempting to-day in the matter of instruction regarding the neighborship of nations? When I first became the head of a university in the city of Pittsburg, about a quarter of a century ago, it became my duty to give any instruction that was given on international law. I followed the text-book then in use, which was the familiar book of President Woolsey. It contained one hundred and eighty-one pages about how nations should behave themselves in times of peace and two hundred and fourteen pages respecting how they should behave themselves in time of war. Last Monday, when I sat down to cold facts for this address, I sent for the text-book on international law that is used in New York University. I wanted to see what progress had been made in the course of a quarter of a century. I found that the same author was still in use, but the part devoted to the arts of peace had been diminished from one hundred and eighty-one pages to one hundred and seventy-four pages. It takes seven pages less to discuss the arts of peace to-day than it did a quarter of a century ago. The part devoted to war twenty-five or thirty years ago was two hundred and fourteen pages; it is now two hundred and twelve pages. That is, it takes substantially as many pages as it ever did to tell nations how to behave in time of war. Remember also that none of these pages are devoted to telling how to avoid war. They are all occupied with the so-called laws for the practice of war. It is strange that right here the contradiction of terms does not strike us. The phrase "Laws for the practice of war" ought to sound as absurd as laws for the practice of dueling or laws for the practice of adultery. We teach our students in our four hundred universities and colleges a text-book that has more pages on the laws of war than on how nations should

behave one to another in peace, or what they ought to do in order to preserve the peace one with another.

The subject of international law is only an elective in our larger colleges and in our universities. In New York University it is required only of a third of the college students, the Historical-Philosophical Group. In many universities it is required of nobody. It is more generally required in the detached colleges. It matters less that it is not required, so long as the very best text-book on the subject takes more pages to tell students the laws for practicing war than the means for preventing war or the rules and measures by which nations should conduct themselves in times of peace. Suppose that our universities and colleges should introduce a text-book to indoctrinate students on the relation of husband and wife, what would you think if this text-book had one hundred and seventy pages on how husbands and wives should behave themselves when they were at peace one with the other, and two hundred pages on how a husband and a wife should act when they were so unhappy as to be belligerents one against the other?

Possibly some think that college students are taught history during their freshman or sophomore or junior years in such fashion as to indoctrinate them respecting the laws of war. A few weeks since the Association of Teachers of History for the Middle States and Maryland became the guests of New York University in a large and enthusiastic meeting in our downtown University Building at Washington Square. Our professor of history arranged, in connection with the meeting, a complete exhibit of text-books on the history of every nation for the use of the Association. This collection remains as the property of the University, consisting of perhaps two hundred volumes. I have been interested to examine them and can testify that you would never think of them as prescriptions against the contagion of war. They are not so bad as some history text-books a generation ago, but I assure you the tocsin of war will never sound less loudly because of any anti-toxin found in these books. The best that can be said of them is that they devote less proportionate space to accounts of war than histories did a generation ago; but the horror of war, the destruction of war, the crime of war, are not made one-quarter as manifest as they ought to be by these high schools and college books.

School histories still look at wars as the Kentucky girl in Bryn Mawr College looked at bloodshed in the street. The story was told here at Mohonk by the president of Bryn Mawr some three years ago. She said one of her professors asked the students in a Shakespeare class what seemed to them the most human and natural incident in the play of Romeo and Juliet. A little freshman from Kentucky answered that the most natural thing in the play, as it seemed to her, was the street brawl between the two families. She was amazed by the shout of laughter from the class that greeted her remark. She did not see that she had said anything amusing, for street brawls and family feuds were to her a most natural way of living. So the most

natural way of writing history is to write of wars as the most ordinary and necessary events.

The teaching of history should receive improvement along three distinct lines. The first is the magnifying of the achievements of nations in the arts of peace. This in some measure is being done. The short history of England by J. R. Greene marked an epoch in text-books of this kind. The second is a truthful and vivid account of the misery and cost of war. Instead of the conventional and impossible pictures found in our histories of a battlefield, let us insert a few photographs of the actual battlefield just before the dead are interred or even the wounded are removed. Third, let us begin with the history in the high school to describe and to exalt the preventives of war. Possibly the time has not come to insert in every text-book of history, whether for high school or college, a brief history of arbitration with its achievements and its heroes. Among the latter might be given the names of those nine United States Senators who stand for the arbitration treaties now filed in the archives of the Department of State.

This brings me to the question, Can we do anything to promote the education of the party of the second part, especially of those young men of Great Britain or Germany or France or some other nation which will some day constitute the government of that nation or the representatives of its government. The Rhodes benefaction, intended to bring together at the University of Oxford a hundred young men of all the English-speaking lands, is something accomplished by an Englishman towards the end of which I speak. But the Rhodes Foundation would have accomplished more for international peace had it been wisely planned for this as its main object. Room for doubt exists as to the great value of assembling boys under twenty years of age from all English-speaking lands to follow the undergraduate course that is offered at Oxford. In general, the best place for students under twenty is the college of their own locality. They are apt to be weaned away from the region that they ought to serve by a protracted absence while still in their teens. The Rhodes Foundation would have accomplished a higher end if it had been confined to Bachelors of Arts between twenty-two and thirty years of age, who should have been required, with their other studies, to devote themselves to political history and international law. Instead of the work being done wholly by the ordinary professors at Oxford, Mr. Rhodes might have made the faculty international, as well as the student body. Suppose at Oxford an international faculty to teach the theories of the principal existing governments of the earth, especially the theories of the formation of federal governments like the American and the German. They would inevitably be lead to consider how a further union of nations might be brought about. Another department of lectures would be on the diplomatic achievements accomplished by living men. If the men themselves agreed to tell their story, what daylight would be shed on the business of nations! The business of nations ought to bear the daylight.

Third, the entire theory of international law should be rewritten, involving a study of international relations in recent years. A great professor of Cambridge, England, Professor Whewell, endowed a generation ago a foundation in that university on international relations, making it a condition that the professor giving the course should suggest measures such as might tend to diminish the evil of war and finally to extinguish war. I regret that the students summoned to England by the Rhodes endowment are not graduate students, and are not summoned there preëminently to study the improvement of international relations and the best method of bringing about a federalization of empires and kingdoms in the interest of peace and the highest welfare of mankind. Universities are doing something by the interchange of professors to draw the nations together. We bring a professor from Oxford next Christmas to New York University on a subject that makes for peace. Several American universities are arranging interchanges of professors with sister universities abroad. These are helps towards international comity and peace.

Let us, however, dismiss the discussion of what might have been. Let the question rather be, what may now be done through our universities and colleges for the prevention of war. I have indicated very briefly one duty. It is that our college faculties teach more and teach better what has been done and what ought to be done for world arbitration. To this end let a new text-book be sought on this subject of international obligations. Even if a poorer book of law than the one now in common use, it may be a far better history and a more inspiring ethical guide.

Closely connected with the work of the college is the work of the high school. The college achieves one of its chief results in the shaping and stimulating of the teaching of the schools which we call our secondary schools. The colleges over a large part of our land are now organized in the support of a college entrance examinations board. This board does not determine for any college what it shall require for admission, but when a college requires history this board can do not a little in defining what the required history shall be, by the examinations which it offers. Suppose it should at the request of a number of colleges offer an examination upon the history of arbitration. Suppose that these colleges should announce that they would accept this examination in place of the present one on ancient history, postponing this ancient history until some date in the college course. The result would be a general introduction of a text-book on the history of arbitration in the high schools of the United States.

As a life-long advocate of the study of the history of Greece and Rome, I should be entirely willing to have a history of arbitration substituted in its place in the high school curriculum. This history would come more near to the thoughts of the lads from fifteen to eighteen years of age. Greece and Rome are far away and somewhat incomprehensible by the average youth. The history of the efforts of nations to avoid war, including a vivid portrayal of what is to be gained thereby in the saving of life, of toil and treasure, would

be related to very recent times. It would treat of nations which every day are named in our papers and which send their sons every week to our shores. When the colleges announce credits for knowledge of the history of arbitrations and offer examinations upon the same, then the teaching of this subject will quickly take its place as a part of the course in history for the hundreds of thousands of youths in the high schools of our land.

The high schools complete the general education of a vast majority of our people. Our citizens must learn this important subject here or never learn it. They go hence into business and trades and professions. Here, therefore, I would have them learn whatever of history is best.

If a committee should go from this Conference to our colleges and universities, I would have them propose to the latter to offer credit at their entrance examinations for knowledge of a text-book on the "history of the economics of arbitration" as soon as such a text-book suitable for high schools can be found.

This is the speediest, the least oppressive and most effective way of offering to an unnumbered host of American youth such great themes as have engaged our minds here for three days. I respectfully submit that what is important enough to bring us here to take a course of six hours a day in a lecture room, and almost as many hours in our private conversations, deserves to occupy some of the time of our high school boys and girls quite as well as the wars of Sparta with Athens, or of the Carthaginians with Rome. Thus far I am proposing to use the college and its entrance examination as a lever to lift the high schools to a study of our subject.

But I would reach as well the college itself. I would have every college require every student who does not at entrance offer some knowledge of "the history and economics of arbitration" to take it up as a freshman or sophomore course, or half course, or quarter course, in the department of history. The same manual that should be prepared for the high school would answer here. It should be so vivid, so accurate, so up-to-date, that the student would want to preserve it as a book of reference and add to it from his reading in succeeding years.

From such an arrangement would quickly spring clubs in our colleges in the interest of this study. In every live college you hear from time to time of a philosophy club, a natural science club of some kind or other, a literature club. In my own college this year the debating team has really been a club for the study of the Asiatic question, for they were called to debate that question. It would not be difficult, after the steps above named have been taken, to secure in many a college a group of bright men or women to organize a club for purposes of propagandism. The name for such a club or group of clubs is an important consideration. Remember that youth are interested not in the abstract so much as in the concrete. They are attracted by a large ideal set before them. For these and other reasons I would have the name of such college clubs suggest to us

the largest possible ideal. Such an ideal is one already written down. I find it here in this tract of Congressman Bartholdt, which you have no doubt read. But there may be a better word than the word "Congress," which he names. Mr. Bartholdt, as a member of the United States Congress, is fond of the word "congress." But a congress is often only a convention, as the etymology suggests. We have had scores of "peace congresses" that were only conferences. Mr. Bartholdt does not intend any such ideal. He presents twelve articles, of which one reads:

"Deliberations of the Congress to be confined to matters which directly affect intercourse between nations, its resolutions limited to the declaration of general rules or principles for the conduct of such intercourse, and these resolutions to be recognized as law by the nations";

that is a legislature.

"The armed forces of all the nations represented to be at the service of the Congress for the enforcement of any decree rendered";

that is an executive. The Hague Tribunal is a judiciary. This ideal is a world government.

Why not then suggest to these clubs or societies in our colleges and universities the name of "WORLD-GOVERNMENT CLUBS"? Are we not hoping for a world government? Do we not mean a world government? This tract of Mr. Bartholdt says: "It took six hundred years for the British Parliament to prohibit violent trial of any question by the citizens. It may take six hundred years or only six hundred months for a similar development in international government." The probable delay is no reason against the name that expresses the ideal. Probable delay was no reason against the expression nineteen hundred years since of the angelic ideal of "Peace on Earth, Goodwill to Men"; or one hundred and twenty-nine years ago, of the ideal "All men are free and equal," when Jefferson and Adams saw only white men to be free and politically equal.

I believe that world government, to the extent at least of an adoption by delegates of many nations of a code of international law, is nearer to us than the freedom of citizens before the law was to Jefferson and Adams, nearer by half. The growth of the Interparliamentary Union in seventeen years from nothing to a body enrolling over two thousand lawmakers of nearly all the civilized nations of the earth is a long step toward a world government. These lawmakers, with their associates and their executives, can establish a world government whenever they see fit.

Why not say to our college boys then: Organize world government societies and clubs.

World government is not in the air; it is in men's minds. It is on men's tongues. It is the goal of the straight line along which the wills of strong men now run.

THE CHAIRMAN: The order of business now provides for ten-minute speeches, the first of which will be from DR. HENRY M.

LEIPZIGER, Supervisor of Free Lectures in the schools of New York City.

ADDRESS OF DR. HENRY M. LEIPZIGER,

SUPERVISOR OF FREE LECTURES IN THE SCHOOLS OF NEW YORK CITY.

Mr. Chairman: The first information that I had that I was to be honored in an invitation to speak was the call from the honorable chairman, which of course I most willingly obey, and I am reminded of a story I heard recently of an evangelistic meeting. The exhorter tried to get his hearers to desire to go to heaven, and at the close of the meeting, to test his power, asked those who wished to go to heaven to rise. All rose but one man. Being anxious to note the desire of that man, he said, "All those who would like to go to the other place, please rise," and the man remained sitting. Being curious, he asked this man where he wanted to go, and he replied, "Please, sir, I live in Ohio, and I am perfectly contented to stay there."

So I should have been perfectly contented, having climbed, at Mr. Smiley's kind invitation, this delectable mountain, to have remained silent and listened in this good company, drinking in not only this delightful June air, but the more delightful air that comes from the communion of those who long to see the vision, which they have in their minds, come day by day nearer realization. I am one of those who represent the teaching profession, and who believe beyond the peradventure of a doubt and beyond any necessity of argument, because our faith needs not to be proved by syllogisms, that whatever you would wish to put truly into a nation's life you must put into a nation's schools. So while I listen with profound respect to the judicial and diplomatic disquisitions that have enlightened us, I believe that if we would hasten the day we all long for, we must find the way through the teaching of the children of our schools. The children are the parents of the coming men and women, and we must plant in the children of our schools the true ideals, the true things that they must admire,—for what we admire we really are; and we must make our teachers such men and such women that they will implant in the children of our common country the true ideals for which they should long.

Dr. MacCracken has called attention to the fact that the text-books used in our schools to-day still glorify war. Your attention has been called to the fact that the statues in our public squares are mainly of military heroes, showing regard for the man of war, so that we are far from having public opinion so safely grounded as to lead us to hope that international arbitration is a thing secure beyond the peradventure of a doubt. When I read in Mr. Bullock's splendid article in this month's *Atlantic* the cost of war, and learned to my surprise that in this latest year of this country's history, the nation whose mission is peace, sixty-two per cent. of the entire taxation of this government is spent in support of the army, the navy, and military pensions, and only thirty-two per cent. in behalf of civil expenditure,

including the great system of national education, it seemed to me that we are a long way from the establishment of that reign of international peace which is the dream and the hope of this convention. I have said two or three times during this meeting, when I have heard paeans sung on war, and in a convention for the promotion of peace have heard stated from this platform that war must exist, that man is belligerent, I have been inclined to believe that that statement has not been proven. I do believe it would be a great triumph, if belligerency *is* part of our lower nature, if we could adopt a means of conquering that undesirable attitude, and make every possible endeavor to overcome it and rise into a higher, loftier state of being. It seems to me that in this twentieth century it is a cruel reflection on our civilization to say that if our country, this puissant power, this imperial power, imperial by the law of righteousness, should for a single year cease to build battleships, we should be in danger of attack from our civilized Christian brothers across the sea. I ask myself if we should carry out the suggestion made by the Hon. Justice Brewer, of ostracising those nations that refuse to enter into international arbitration, how much further and greater a step we could take in advance if for a single year this great country of ours should cry "Stop!" to the building of battleships and devote the same amount of money to the erection, as the Hon. Mr. Littlefield has suggested, of a temple of peace, and show a confidence and a belief in our fellowmen all over the world. [Applause.] You know we create respect by creating responsibility, and this noble country of ours could do no greater service to humanity, could in no way be more true to its God-given mission, than by determining that it will lead the world, as it has in the realm of opportunity, on the high road towards international peace. Think of it! Five million and a half dollars is going to be spent by the national government in the creation of a new military school. What if the national government should even as a beginning spend one million dollars in adopting plans for the teaching of the wastefulness, the sinfulness, the horror, the tragedy of war? Would not that be a righteous expenditure too? I believe sincerely it would.

Mr. Carroll D. Wright, during the course of his remarks, called attention to an unplowed field, and that is the field of organized labor. It seems to me that, as from the laboring classes of our country the military is reinforced, upon them the horrors of war must fall. We must educate them; and I will refer in the one minute that is left me to the fact that in the City of New York, through the medium of the provision for adult education, we are taking now a step to inform all the people, the common people, the people with whom we reason, the people that Lincoln and Douglass spoke to, of the true cost of war. I am pleased to say that a member of this Conference, during the past year, has lectured at ten different places in New York on "How to End International Dueling." Thus a beginning has been made which I hope in the coming year will be magnified tenfold through the cities of the land, so that the people can be awakened to this

great question, and thus proper public opinion having been created, the common people shall be aroused, so that when a treaty is ever again presented, public opinion, founded upon righteousness and the hatred of war, will see to it that all methods and all means for the establishment of international peace will be hastened even in our own time.

THE CHAIRMAN: The next speaker is DR. ERNST RICHARD, a professor in Columbia University, New York.

ADDRESS OF DR. ERNST RICHARD,

PROFESSOR IN COLUMBIA UNIVERSITY, NEW YORK.

Mr. Smiley, Mr. Chairman, Ladies and Gentlemen: It has been said that we teachers are the most conceited set of men that can be found, and what is worse, they say that it is natural for them, that they cannot help it, because they only have to do with people that are so much younger than they are themselves, and only with minds inferior to their own. If you know any such teacher, please bring him up here into this distinguished assembly and the conceit will vanish immediately. I can tell you that I feel uncomfortably young here, and as to the inferior mind, I know now exactly how it feels in its position. However, I am going to speak about the young, and I suppose that you will forbear if my inferior mind produces something with which you do not quite agree.

As a matter of course, we have to implant the spirit of peace into the young if our work here is not to be without lasting value. But I doubt very much whether the teaching of arbitration alone will do much good. I even do not think that the exercises in the schools on certain Peace Days will make so deep an impression as some of us believe unless they are followed by a suspension of the school routine. Of course they have their value, as these conferences have a value for us, but they ought to be followed by a holiday, or at least a half holiday, and there ought to be some philanthropic friend of arbitration to treat the children to a grand picnic, as Mr. Smiley is treating us. I am inclined to think that they are as open to this kind of treatment as we are.

Now you will excuse me if I give you a little shop talk. I think it is wrong psychology to speak all the time on the horrors of war in this movement. I do not think it would be wise for a political party in a campaign to dwell all the time on the faults of the opposing candidate and forget the virtues of their own. I think it would help the other side a great deal. I have been told it has done so. There is, in general, I think, something we ought to be very careful of, if we want to interest men and boys in this movement (I think the women are safely on our side; we do not need to fret very much about them): we must be careful not to emphasize too much the sentimental side of the question. We must approach it in a manly spirit.

We must avoid any suspicion of softness and cowardice if we want to get the sympathy of boys, and that is the reason why the short and pointed epigrams of Sherman and Grant, which we all know, go a great deal farther than our longest speeches.

Let me advise you not to worry too much if your boys won't stop fighting immediately. When I joined this movement a few months ago and had been elected president of our little German-American Peace Society in New York, my little boy startled me by asking: "Say, pa, you have joined the peace society; now I cannot fight any more, can I?" Well, I felt as I sometimes have felt in examinations. I did not know what to say at first, but in the end I gave him some kind of advice as to a peaceful settlement before he would decide by the clash of arms, or rather the lower ends of the arms, but, — I won't tell you what I told him, but I did not advise arbitration. Arbitration at that age would mean to go to the teacher and tattle. I, for one, do not stand up for that kind of thing. I think this fighting is proper to their stage of development. It is a maxim for educators that every man has to repeat the experiences of the race, and I think that the free fighting of the boys corresponds to the savage warfare of early times. I think that the athletic contests and, I may say as well, the German students' duels, with their rules and regulations, may be compared to war under international laws. But the time comes when the growing man has learned the experiences of the race, and when he rises above them, when he takes a step further in civilization, and then the individual takes the lead of the race. That is why I say, Do not worry if your boys fight, though, of course, they need some restraint, — they will outgrow it. We have outgrown it, and we are here to see that the nations outgrow it as well, and settle their differences in courts as we do. [Applause.]

But while we try to subdue that spirit of war that has come to us from those times when love and hunger first gave impulse to animated nature, while we try to subdue it here, we do our best in our schools to foster it, and especially so, by the way we teach patriotism and history. My personal belief is that in a country where things are as they ought to be it is as unnecessary to teach the love of country as it is to teach children to love their mother. But you may say, "In this country we have to deal with foreigners, with immigrants who have to be assimilated." Well, I am an immigrant. While I have been here long enough, if the day of my arrival here was my natural birthday, to have voted at the last election anyhow, I learned to love this country long before that time. [Applause.] While in my boyhood in the Fatherland, I was developed by the grand influences of German culture, to which I owe the best that is in me. I learned that there was really only one country in the world where a free man could live, and from that day on my longing went for that country. I learned to love America before I ever saw the flag which seems to be so essential to-day in teaching patriotism. [Applause.] You may say that I had, perhaps, special advantages. But, do you really think that those poor people, when they come here and find, if not prosperity,

at least a comfortable living, instead of need and misery at home; justice, instead of partiality; freedom, instead of tyranny; liberty, instead of oppression,—will not love this country above any other? Do you think it is necessary to teach them to do this? I guess not. For this is my belief: If honesty, justice, liberty rule a country, if the people feel contented, let patriotism take care of herself.

There is one thing in which our great schoolmaster here, the chairman, has the advantage of us in our schools: he is allowed to use the stick, which we are not, and he tells me that it is time to stop; but you will allow me a few words about history teaching even if I take a minute more.

It has been said already that in our teaching history altogether too much time is devoted to war. War, of course, ought to be mentioned, as every human event, but I protest against spending on it, say, one-third or two-thirds or even more of the time of lessons and the space of text-books; I protest against a history which makes children believe that warfare is the greatest thing human ambition could aim for, so that they think more of a man like Alexander, who had thousands of men killed and whole countries laid waste, than of the man, let us say, to whom we owe the irrigation of our arid lands; so that they know more about the winners of battles, whose path to glory is paved by death, than of the man, for instance, who has found the diphtheria serum, who has saved the lives of millions of children by diminishing the victims of this dread disease by eighty per cent. Let our historical instruction pay more attention to the productive than to the destructive elements of human evolution. Of course, teach them about arbitration and the great world's tribunal at The Hague, but do not fail to teach them about the friendly rivalry and intercourse of commerce and industry and their pacifying influence: teach them that every cable, every telegraph wire, every wireless telegraph station is a new tie in binding together the nations; show them a five-cent postage stamp and tell them of the Postal Union that enables us to communicate with sympathetic human hearts and minds at the other end of the earth; speak to them about all international institutions to protect against common danger and disease, international conventions, international cooperation of every kind; teach them that the grandest things of earth—that true religion, art and science—know of no nationality in a hostile sense; that there is only one science, as there is one truth; teach them that Goethe, Schiller, Shakespeare, Dante, Raphael, Rembrandt, Corneille, Emerson, Beethoven, and I do not know how many names more I might mention, have accomplished their masterpieces, not for their own countrymen,—not for Americans, Frenchmen, Englishmen, Italians, Germans,—but for mankind; teach them that the two great documents which have ushered in our modern times have not proclaimed the rights of Americans or the rights of Frenchmen, but the rights of men;—in short, emphasize everything that tends to unite, and make light of everything that separates; teach them less of the fiends of humanity, but more, a great deal more, about its benefactors. If you will do so, the growing boy

and the man will be more willing to listen to our arguments for arbitration.

THE CHAIRMAN: I am sure the Conference will be glad to hear from some gentlemen who come from foreign lands, and in so doing represent their countries. The Business Committee has accorded three minutes to two or three of these gentlemen to give us a greeting, among them DR. M. CHIRURG, from Russia, now living in Boston.

ADDRESS OF DR. M. CHIRURG.

Mr. President, Ladies and Gentlemen: I esteem it a great honor and privilege to participate in this Conference. My heart is filled with joy that so many distinguished persons have gathered here to give voice to the most important principles of humanity and brotherly love. You have heard the previous speakers, full of eloquence, etc., and I bow my head in reverence in my admiration of all who advocate the arbitration of differences amongst all people and all nations.

War is only legal murder, and we should protest, as civilized men, against slaughter of human life. Our common sense refuses to let two men settle their quarrels with the knife or with the pistol. The common sense of humanity should forbid nations to settle their quarrels with cannon, dynamite and bayonet, which ruin homes and make orphans. How can we call ourselves civilized when we spend unlimited millions for organized human slaughter, and squander thus the money that would have saved the health of nations, the lives of millions of children? The United States proposes to spend every year two hundred million dollars, and probably more, on the navy. This money would wipe out consumption, which is more deadly than war. Two hundred thousand people die from consumption each year in the United States.

There was lots of wisdom in what the previous speakers have said. I, too, believe that our schools should educate the boys and girls of the nation for peace and humanity. But we have forgotten the press. At the present day the press is an important medium of stimulation in our homes and amongst all classes of men. Let the press speak against war and not uphold and advertise war loans. Let it put its condemnation upon the money lender who subscribes for bonds for the furtherance of war. Let it point out to them that every cent gained in this way is tainted with human blood.

I protest in the name of my Russian sisters against this needless shedding of the blood of their brothers and sons now going on.

THE CHAIRMAN: We shall now have a few words of greeting from COUNT DE LA ROCCA, the French member of the Franco-Venezuelan Claims Commission, which has been sitting in this country in Vermont, adjusting the claims of citizens of France against the Venezuelan Republic.

ADDRESS OF COUNT DE LA ROCCA,

MEMBER OF THE FRANCO-VENEZUELAN CLAIMS COMMISSION.

The ambassador of the French Republic, M. Jusserand, who signed the general treaty of arbitration which the president of this Conference read yesterday, would be here to-day to bring you the greetings of France, if the grave events of which you are aware did not render his presence necessary in Washington.

Having had the very great honor, for four months, of representing my country on an arbitral commission, presided over by an eminent jurist of Vermont, I am happy to have been specially authorized by my government to accept the kind invitation given me by Mr. Smiley. I express, therefore, to the members of this Conference the full sympathy of the French government, which first amongst the European governments proposed to the government of the United States to enter into a general treaty of arbitration; and the special sympathy of M. Delcassé, our Minister of Foreign Affairs, who, as was mentioned here yesterday, has not ceased to labor, like his illustrious colleague, Mr. Hay, for many years to maintain peace throughout the world.

I wish to express my great admiration for the noble purpose which has called you together here, and for the charming place which a good man, with royal hospitality, has made one of the centres of the arbitration movement. I should like also to make a useful contribution to your common work, but I am only a diplomat, and diplomats are specially made to listen. For this reason many of them ought to come to the Mohonk Lake conferences, where they would hear good and helpful advice.

Permit me to tell you how much satisfaction I feel in learning that in the United States, as in France, voluntary associations have been formed whose aim is to promote the important principle of international arbitration. These spontaneous associations, such as that whose meeting here is so agreeable to us, will, even more than the manifest goodwill of the governments, aid the triumph of pacific settlements. In fact, by their continual and persistent action upon public opinion, they may alone furnish the governments the means of overcoming the obstacles which too often, as recent examples show, are unexpectedly placed in the way of the realization of their best projects, by Constitutional obligations or the interest of interior policies. That is to say, gentlemen, I count upon your influence to bring about a reconciliation between two words of your language, the words *treaty* and *agreement*, which, to their great surprise, find themselves to be mortal enemies.

And, ladies, I count still more upon you in this matter. I should not be a Frenchman if I did not believe in the blessed influence of women. It is everywhere believed that the woman is the half of the man; in our country we believe that she is the better half. You

understand this very well, gentlemen, because you invite your wives, sisters and daughters to attend your meetings, where they show an attention to the proceedings which is equaled only by their charm. I wish that your example might be followed in France. The French women, who are such admirable laborers in the Red Cross work, desire nothing better than to be allowed to imitate their American sisters.

And what fervor, what power of persuasion are not women capable of bringing to the service of any cause, especially of this cause of international arbitration, whose success would permit them to hope that, some day, as mothers, wives, daughters or sisters, their tender hearts would no longer have to suffer the horrible griefs which war has imposed upon them for so many centuries. I wish that in all countries of the world the task of rendering arbitration popular and acceptable might be intrusted to you, ladies, and I close my remarks by the expression of a single wish. Once more — and this time, gentlemen, you will not complain of it — may the old French proverb be realized: *Ce que femme veut Dieu le veut* (what woman wishes God wishes)!

THE CHAIRMAN: PROF. GEORGE W. KIRCHWEY, of the Columbia University Law School, will now speak to us about the proposed American International Law Society.

PROF. GEORGE W. KIRCHWEY,

OF THE COLUMBIA UNIVERSITY LAW SCHOOL.

Mr. President, Mr. Smiley, Ladies and Gentlemen: The careful introduction of the President of the Conference has left to me very little of the business which I was appointed to look after.

Perhaps I ought not to complain, as a new-comer in this distinguished body, that a conference is given over primarily to conference, that it is devoted to talk and listening for the most part. But I must confess that I have longed for some exhibition of a more definite purpose in the gathering than the threshing out of the old straw of the Constitution or treading the wine press of ancient wars. I do not mean to disparage the utility of the experience-meeting, either in this form or any form of religious gathering; doubtless they strengthen faith and exalt the spirit, and doubtless we, by sending out over the land and over the world the expression of our ever-renewed faith in the principles of peace and international arbitration, are strengthening the friends of that cause wherever they are and expanding our own influence wherever that may range.

But I cannot help feeling that we make a mistake if we seek to confine ourselves, either directly or indirectly, to the creation of public sentiment or even to the strengthening of our sentiment. I do not believe, ladies and gentlemen, that it is necessary to wait for the millennium in order to reap some of its fruits. I do not believe that it

is necessary for us to purify all hearts in order that we may lead decent lives. I become more and more, as I live, a believer in the organized machinery of society. What is it Browning says? "Not soul helps flesh more than flesh helps soul." Not man helps machinery more than machinery helps man. I wonder how much of all virtue is due to our sophisticated civilization, to the organization of the family, whether there be wars and rumors of wars or not within the family circle; to the church, to the school, to such gatherings as this that hold men and women fast to a noble purpose?

So I believe, ladies and gentlemen, that we may forward the cause which we have at heart by some definite step in the direction of organization of machinery for forwarding the purpose. Some such machinery has already been organized. I care not if the Hague Court be at the present time a court dealing mostly with small causes: it stands there in the eye of the world ready to deal with the greatest causes. I care not if only small matters, comparatively, have hitherto been entrusted to it: greater matters will come to be entrusted to it; and when they are, slowly but surely, without any sweeping regeneration of our spirits, without any destruction of that war spirit which Dr. Richard, I believe, says reigns in our hearts, we shall be able in international affairs, as well as in our private municipal relations, to create a settled habit of resorting to the court for the settlement of differences, wondering perhaps why we do it, as we wonder now among ourselves why, when we are injured, we do not immediately resent the blow and knock down the man who has inflicted it.

This is merely introductory, but you will be relieved to learn that the introduction is the longest, if not the most important, part of what I have to say.

I have come here, at the instance of a good many ardent friends of international arbitration, to propose a definite plan for forwarding that movement as we conceive it. We are not aiming, as I understand it, in this Conference at universal, not even at international peace. That is a remote and possibly somewhat iridescent dream. Neither are we, I believe, aiming directly, any more than the ordinary courts of justice do, but only indirectly, at the establishment of justice. We are aiming at the settlement of controversies, whether justice be promoted or not, by the particular settlement; we are aiming, in other words, at the institution of a reign of law—do not call it justice, because it may not in every case be justice; do not call it peace, though it will ultimately inevitably result in peace. We are aiming at the institution of a reign of law. What is that law? There is already a law of nations, international law—it is not simply a dream; and it seems to me that this convocation can perform no higher service than to take one step, however short, in the direction of exalting international law to its proper position, giving it its high recognition and emphasis, and making the spread of it, the dissemination of its principles, more and more general; because international law inevitably means the submission of international controversies to arbitration, and that inevitably means peace in the long run.

Therefore I have the honor to propose to this Conference the formation of an American International Law Society. No such institution exists in any English-speaking country. And as a corollary to the organization of such a society, I have the honor to propose that, as the organ of that society, and to promote the great and beneficent cause of the reign of law among the nations, an international law journal shall be established and published as the organ of such a society. [Applause.] I am not sure, Mr. President, how far it is competent or desirable for this Conference to take formal action. All persons interested — and it is hoped that many are interested, whether they are professional international lawyers or not — in this cause are invited to meet in the Rock Reading Room at one o'clock, at the conclusion of this meeting. In the meantime I beg to submit tentatively the following resolution, in order that those who believe in this movement may have some expression of the sentiment of the Conference to guide them. [Applause.]

Resolved, That this Conference signed with favor the movement to establish a Society of International Law in the United States and of an American Journal of International Law, and pledges its earnest sympathy with the aims and purposes of such movement.

The proposition and resolution were referred to the Business Committee.

THE CHAIRMAN: The order of business that has been prescribed now requires a report from the Business Committee on the Platform of the Conference.

MR. JAMES WOOD: I am directed by the Business Committee, as Chairman of the Platform Committee, to submit to the Conference the draft of a Platform which it has prepared. (For the Platform, see page 7 of this Report.)

In the judgment of the Business Committee, the points contained in this Platform are all upon which it is advisable for this Conference to make a declaration at this time. Much has been said in the Conference, and exceedingly well said, upon the special treaties of arbitration negotiated by the State Department of our country, by direction of the President, and not confirmed, as drawn, by the Senate. The great hope of the present, in the way of international arbitration, is in the second Hague Conference, the preliminary call for which has already been issued. It is the confident expectation not only of the Business Committee of this Conference, but, we believe, of the President of the United States also, that that convention will frame a general treaty of arbitration which will make unnecessary special treaties, such as those that were submitted to the Senate. If this is done we shall not need any longer to urge the conclusion of special treaties. We therefore think that the reference made to this general treaty that is in expectation is all that we should make a statement upon at this time. Should the second Hague Conference, which it is confidently believed will be held during the coming year, fail to prepare such a general treaty of arbitration, it will be time for this

Conference next year to take such action upon the subject of special treaties as at that time it may be advisable to do. With this explanation, I do not know that there is anything more that need be said to the Conference upon the Platform that is now laid before you.

MR. FOSTER HIGGINS: I would like to ask, sir, whether the Business Committee proposes to send this Platform to all the different business bodies, chambers of commerce, etc., in the country.

MR. WOOD: I move that the committee be requested to send a copy of this Platform to all the business organizations of the United States, whether represented at this Conference or not, and ask their adoption of it. I think it will meet with their hearty approval.

MR. SMILEY: Doubtless that will be done.

THE CHAIRMAN: The Platform is now before you.

HON. EVERETT P. WHEELER, of New York City: In rising to second the motion to adopt the Platform, I should be glad to say a few words in support of it, and I desire to weave into the Platform the discussion of yesterday morning and pick up those threads.

Dr. Abbott showed us very clearly that the President, with the advice and consent of the Senate, has power to make a general arbitration treaty. Mr. Straus showed us that the Senate had already ratified such an arbitration treaty, the Hague Convention. Then Mr. Littlefield asked, Where does the President derive his power to submit any matter to arbitration? That question is answered by the language of the treaty, which Mr. Littlefield said he had not read. The Constitution declares that that treaty, having been ratified by the Senate, is now the supreme law of the land. It then goes on to say that it is the President's duty to enforce the laws. That treaty is part of the law which it is his business, his sworn duty, to enforce; and hence, when he submitted the Pius Fund matter to arbitration, or when he submits any other matter to arbitration that is within the scope of the Hague Convention, he is exercising a power conferred upon him by what has become the law, not only of this land, but the law of all the signatory powers. From that, by virtue of the Constitution, his power comes.

Now, then, what is the advantage of a general treaty, such as is recommended by the Platform? I am glad, I am glad, indeed, that the Business Committee has seen its way clear to make that recommendation. All jurists have come to the conclusion that general legislation is in every way preferable to special legislation. We have our general acts for incorporating individuals. The granting of a corporate franchise is a legislative power; but the legislature can and should, by a general law, provide a method by which that franchise can be acquired by individuals. I have not time to point out the thousand other ways in which general laws have been made, enabling officials to give the force of law to regulations prescribed by them, but I venture to say that one-half the machinery of our government is

carried out under the force of such regulations. The United States Civil Service, for example, is regulated by rules that are prescribed by the President, who is authorized so to do by a general law. I go farther; I say that in all matters of international dispute, when the blood is high, when there is excitement, it is better we should have a general treaty than be forced at once to negotiate a special one. Do not you think that if there had been no general treaty between England and Russia the Dogger Bank incident would have led to war? Unquestionably it would. The sentiment in Great Britain was such, and very naturally such, that it was impossible then for any ministry to negotiate a new treaty. But there being one already in existence that provided a regular and orderly way for settling that difficulty, it was sent to a Commission of Inquiry at once, and we had peace instead of war.

It would be a simple matter, if we are prepared for it, to make a general treaty which would bring into play as matter of honorable obligation the existing provisions of the Hague Treaty. As pointed out yesterday, there is in that treaty no expression of agreement by the signatory powers in every case to act under its provisions. What we need is a general treaty, made by the President and ratified by the Senate, substantially in the following terms: "All matters in difference between the high contracting parties that are within the scope of the Hague Convention shall be submitted to arbitration in accordance with the provisions of that Convention." That is all we need to give full force and effect to the existing Hague Treaty.

Let me say,—and I am sure the President and Mr. Smiley will be glad to have me announce it—that there are copies of that treaty to be had in the room where the literature of the association is kept. Let those of you who have not read it, read it. Let all read it in the light of this Platform that has just been submitted for our adoption, and you will see how great a step was made when the Hague Convention was adopted, was ratified by the Senate, and became the law, not only of the United States, but of the civilized world.

REV. WILBUR F. CRAFTS,

SECRETARY OF THE NATIONAL REFORM BUREAU, WASHINGTON, D. C.

Mr. Chairman, Ladies and Gentlemen: I am greatly interested in the following up of this Platform, in sending its echoes out from this place, and I therefore desire to suggest how those of us who have not made speeches may do effective work in support of this document, by the powerful instrument of the mail. The President touched an electric button yesterday and set the machinery of the Portland Fair in motion: so we may touch the nearest mail box and set forces in motion in the interest of arbitration all over this country, and all over the world. To us, as to John on Patmos, comes a voice like the sound of many waters crying, "Write." As a "Christian lobbyist"

at Washington, for seventeen years, I have had considerable experience of the power of letters. We have relied much on petitions, and they are a power if numerous enough, but I believe the time has come for a new form of petition. President Roosevelt and others have expressed their low esteem of petitions, but they do regard letters. Let us therefore, when a board of trade, or a convention, or a conference, or a church desires to petition, vote that some prominent person, the most prominent person in the meeting, whether the president or one of the audience, shall *write a letter* to express the sentiment of the meeting. I know that at Washington a letter will be more likely to be seen by the President or by a Senator or Congressman than a petition, which is often handled by the clerks only. The tremendous petitions for the rejection of Brigham Roberts did certainly have great effect, and I would not depreciate petitions. Petitions, letters and telegrams are good, better, best. If some prominent person, on voted request of a meeting, shall write a letter it will be likely to be more effective than the old form of petition, especially if this is followed up, as Commissioner MacFarland has suggested, by many others in the audience writing also on their own motion. And let us not forget that letters to others than officials will help us.

Let us each resolve to write seven letters to different persons of esteem and influence, teachers, educators, heads of universities, persons who have charge of educational interests of the State and city, calling attention to suggestions made here at Mohonk. Especially should we all write to the newspapers, not only to the great newspapers, but also to the country papers. We may thus, by the power of letters, set echoes flying from this place. Just an illustration of the power of letters upon public men. We were passing a reform measure about seventeen years ago in Washington. I approached Senator Joe Blackburn of Kentucky, and spoke of the matter. "O, yes," he exclaimed, "my State is all stirred up; I have had twenty letters from Kentucky about it." He thought the whole State of Kentucky was in a state of eruption and excitement because twenty people had written him for something else than offices and appropriations. "Even a few letters," said Mr. MacFarland to me to-day, "are influential upon public men, because they know how seldom people write letters about public matters." When they get a letter not connected with some selfish interest they must feel like putting it in a frame as a curiosity. The mail-box ballot is the best organ of public opinion.

MR. CHARLES HENRY BUTLER.

Mr. Chairman, Ladies and Gentlemen: I would like to speak seconding the Platform, as to the same point that Mr. Wheeler stated, and that was, how much better a general arbitration treaty will be than any special treaties which could be ratified between the different

countries. In my own mind I was in hopes that the treaties would be ratified as officially presented to the Senate, simply because it would have been a step forward; but at the same time their practical utility was, to my mind, always questionable. In the first place, had they been ratified as presented, the question whether a special agreement was equivalent to a treaty requiring ratification, which was settled in advance and resulted in their being shelved, would simply have been postponed until the next special agreement was made, when it would have come up, and then there would have been the clash between the Senate and the President in a far more acute, and possibly in a far more disastrous, manner than at the present time. The failure to ratify these treaties in the manner presented will, I believe, result in a more modified form, where the words "conclude a special agreement" or "conclude a treaty" can be so eliminated that the Constitutional question will also be eliminated, and the Executive will be given under definite lines the power with it, which should be clothed in such manner that the Executive act can be determined so that arbitral matters which are within the discretion of the President as the Executive can be submitted, and those which are beyond that can go to the Senate for adjustment by treaty. I think every one — every American who believes in the Constitution, and all Americans believe in it — believes that there are many matters which are too far-reaching for the Executive alone to submit to arbitration, and which should not be submitted except with the sanction of the full treaty making power.

The President's expression in his letter, that the ratification of these treaties, as amended, would be a step backward instead of forward, was, I believe, true, and I wish simply to give one or two reasons for that belief. To-day the President under long custom can submit matters where the claim is one proceeding from this country against a foreign country without senatorial ratification; that procedure has been settled by practice; the Pius Fund case, which was sent by the Executive to the Hague Tribunal, involved a claim of over a million dollars against Mexico, but no treaty was involved; the Hague Conference met, considered it, and it was determined. Had there been a general arbitration treaty with Mexico similar to those ratified by the Senate, that course could not have been taken by the Executive; a special treaty would have been necessary. Some of the Senators have criticised the right of the President to submit matters proceeding from this country, — claims of this country against others, — but the practice has been acquired in so long a time, I doubt if that position could be sustained. The treaty of the claims commissions between this country and Spain of 1873 rested upon two letters, one written by Hon. Daniel E. Sickles (then our minister to Spain), and the other by the representative of the foreign office of Spain. There are a number of instances of that kind, and no case of that nature could ever be submitted to arbitration under treaties such as have been now ratified. I think, therefore, that the President did the right thing in holding back those treaties. Undoubtedly, however, as

soon as the various other matters which are more or less collateral to these treaties and their ratification are cleared up, I think there will be such a concord between the two ends of Pennsylvania Avenue that a form of general arbitration treaty will be agreed upon and they will be ratified without any difficulty.

THE CHAIRMAN: Ladies and gentlemen, you have heard the Platform read, and you have heard the discussion of it. Those in favor of adopting it will please say aye; contrary, no. It is unanimously adopted as the Platform of the Eleventh Mohonk Conference on International Arbitration.

JUDGE STINESS: *Mr. President*: The matter of sending a telegram to the American Group of the Interparliamentary Union was referred to the Business Committee, and they recommend the sending of the following telegram:

TO THE AMERICAN GROUP OF THE INTERPARLIAMENTARY UNION.

(Care Hon. Richard Bartholdt, President, Schleiz, Germany.)

The Mohonk Lake Conference on International Arbitration, now in session, sends its appreciation of your services to the cause of international peace and justice, and congratulates all concerned upon its prospective promotion by the establishment of the Hague Court and the expected International Parliament proposed by you.

(Signed)

GEORGE GRAY, *President*.

It was voted that the telegram be sent.

JUDGE STINESS: The resolutions adopted by the business men were referred to the Business Committee as they were read last night. I need not repeat them. They are approved by the Business Committee, and I move that they be printed in the records of the proceedings of this Conference.

It was voted that they be so printed.

JUDGE STINESS: I would say, with reference to the other resolutions that have been submitted to the Business Committee, that they have either been embodied in the Platform, which you have heard, or else further action upon them by the committee has been deemed inexpedient.

THE CHAIRMAN: DR. GILMAN will now make the report from the Business Committee on the subject introduced by him in the early part of the Conference.

DR. GILMAN: The suggestion that was made two days ago that concerted efforts should be put forth to interest undergraduate students in the colleges and universities, has met with so much approbation, so many expressions of approval have been given privately by those interested in that movement, that it does not seem to require any further discussion. There seems to be a unanimous state of mind about it; it is only requested that this Conference collectively express its approval of the idea and designate a committee who will carry on the correspondence and initiate the work during

the next twelve months. I have been requested by the Business Committee to suggest that this Conference adopt the following memorandum:

MEMORANDUM ON WORK AMONG UNDERGRADUATES IN THE COLLEGES AND UNIVERSITIES.

The Mohonk Lake Conference respectfully suggests to the universities and colleges of the United States that concerted efforts be put forth to secure among undergraduates early and careful consideration of the principles of international arbitration. A most appropriate day for student meetings is the 22d of February, especially in view of the fact that it was Washington, who as President, laid the foundation of the practice of arbitration which has distinguished the foreign policy of the United States. It may be more convenient in some places to observe the 18th of May, which is the anniversary of the opening of the conference at The Hague in 1899. The arrangement or conduct of such meetings should be committed as far as practicable to the undergraduates who may engage in debates among themselves or secure addresses or courses of lectures from those who can speak with authority upon this important subject.

The Conference requests that reports of all such meetings, whether written or printed, be sent to the Permanent Secretary, care of Hon. A. K. Smiley, at Mohonk Lake, Ulster Co., New York.

The persons below named are respectfully invited by this Conference to act as a Committee of Correspondence in the development of these plans, namely: Ex-President Low of Columbia, Ex-President White of Cornell, who were members of the Hague Conference, President Angell of Michigan, who has twice represented the United States in foreign capitals, together with President Eliot, President Hadley, President Alderman, President Wheeler, President Seelye, and Ex-President Daniel C. Gilman. (Dr. Gilman's name was added to the Committee after the report was made.)

DR. GILMAN: I would ask Mr. Chairman that before the vote is taken MR. JOHN R. MOTT, well known to a very large number, representing the World's Student Christian Federation, be asked to second this resolution.

MR. JOHN R. MOTT,

GENERAL SECRETARY OF THE WORLD'S STUDENT CHRISTIAN
FEDERATION.

Mr. Chairman: President Gilman has submitted a most strategic resolution. Representing as I do the undergraduate and graduate students of this and other lands, I wish to support it very heartily. It is said that not more than one per cent. of the young men of America avail themselves of the advantages of higher education; but this small proportion of one in a hundred has furnished about sixty per cent. of the men who have held the highest political positions in the nation. The colleges have given an even larger proportion than sixty per cent. to some other important callings. With truth it may be said that the universities and colleges teach the teachers, preach to the preachers and govern the governors. It is therefore high strategy and high statesmanship to give special attention to the undergraduates of these institutions if the program for which this Conference stands is to be realized.

It is important not only to bring influences to bear on students from the outside, for example, through literature and through lectures, but also to get them to take the initiative in promoting among their fellow-students an interest in the subject of international arbitration. If we would have any idea take strong hold of undergraduates it is desirable and necessary that they be brought to feel a sense of responsibility for its propagation.

That it is practicable to enlist students in the advancement of great ideas and enterprises is clearly shown by the short history of the World's Student Christian Federation. This movement has developed so quietly and so rapidly that few realize its power and significance in the direction of making the conditions far more favorable for the accomplishment of the ideals of this Mohonk Lake Conference. It was only ten years ago that there met in the ancient Wadstena Castle in Sweden, placed at our disposal by the Swedish government, representatives of the four or five national Christian student movements then in existence. We came together to discuss this question: If it be desirable for the students of any one university to unite in a society in order better to promote a good cause, and if it be well to unite the Christian societies of students in any country in order more effectively to impress the life of the nation for good, might it not be advantageous to federate the different national Christian student movements? After three days of debate there was organized the World's Student Christian Federation, which has for its general object the uniting of the students of the world in order to enlist them in the extension of the Kingdom of Christ and in the carrying His principles into every relationship of life — into the world of thought, into family life, into commercial and industrial life, into municipal affairs, into national politics and into international relations.

This Student Federation has spread and spread until it has become literally a world movement. Four weeks ago to-day I attended its sixth conference, which was held this year in Holland, that country which has done so much to promote right international relations from the days of Hugo Grotius to the present time. We had present official representatives not of four or five national movements as at the foundation of the Federation a decade ago, but of some twenty national Christian student organizations, embracing associations in eighteen hundred universities and colleges, and having a membership of one hundred and three thousand students and professors. This is by odds the largest and most comprehensive movement among students. While it is Christian, it includes undergraduates of all religions and of no religion, but who are in general sympathy with the principles which Christ promulgated.

The Federation has already accomplished splendid results. It has made the students of different nations and races acquainted with each other by means of its conferences and by promoting intervisitation. It has done a great work in removing misconceptions, envy, jealousy and national narrowness, and in substituting therefor esteem, sympathy and willingness to coöperate. It has set the student societies

of different lands to acting and reacting upon each other. It has established means of communication which have enabled the students of strong nations to help those of less favored lands. By calling attention to the good points about the different nations, by emphasizing the great ideas on which all right-thinking students are agreed, and by actually combining its members in certain common studies and tasks for the good of mankind, the Federation has accomplished wonders in promoting real unity. Only the other night Ambassador Porter speaking to us in Paris of but one branch of the Federation, said, "It has done more than diplomacy to unite the nations."

The last conference of the Federation would have been held last autumn in Japan instead of this year in Holland had it not been for the war. The Imperial Minister of Railways of Russia had planned to extend the generous courtesy of carrying the European and American delegates on a special train from the German frontier to Vladivostock or Port Arthur. Japan has renewed the invitation, so we shall meet in April, 1907, in Tokio, that greatest student centre of the Far East. It will be the first world's Congress, either secular or religious, which has ever been held in Asia. Who can measure its possibilities for good? Believe me, even more important than educating students of each country on the subject of international arbitration is it that they mingle with one another and come to know one another and have confidence in and regard for one another. If we can, in this and all other ways which have been so well emphasized during these remarkable days at Mohonk Lake, unite the hearts of the students—the coming leaders of all the nations—as well as inform their minds, we shall most quickly and securely achieve our great purpose.

DR. GILMAN: I ought to have been more explicit; Mr. Mott is the President of the World's Student Christian Federation.

MR. EDWIN D. MEAD: *Mr. Chairman*: I would like to move one single change in the statement as to the purpose of this organization, as I think it is really what President Gilman and others have contemplated; and that is, as what we have at heart is so much broader than mere international arbitration, that we substitute the term "international organization."

DR. TRUEBLOOD: I quite agree with Mr. Mead in the general idea of the supreme importance of international organization, but I think that going from this Conference on International Arbitration the wording would be more appropriate and the document do more good standing as it is at the present time.

DR. ABBOTT: I want to understand Mr. Mead, how he wishes the wording changed.

MR. MEAD: It is the substitution of the words "international organization" for "international arbitration" in the first sentence.

That was the key note which was so great and prophetic in Chancellor MacCracken's address this morning.

THE CHAIRMAN: Organization is a generic word. There may be organizations for almost any purpose. If I may be allowed to suggest, it seems as though we ought to connect the statement with the purpose of this Conference.

DR. ABBOTT: I rise to make one amendment which I think will be universally accepted. It was already made in the Business Committee, where Dr. Gilman, former President of Johns Hopkins, was added to that Committee over his head. Then he came and omitted the name that had been added by the Committee. I move that the name be restored.

THE CHAIRMAN; It is moved that Dr. Gilman be restored to that Committee.

The motion was unanimously and enthusiastically adopted.

PROF. E. W. HUFFCUT,

DEAN OF THE LAW SCHOOL OF CORNELL UNIVERSITY.

Mr. Chairman: May I say one word, in seconding further these resolutions, in behalf of Dr. White, who regrets so sincerely that he is unable to be present on this occasion. It struck me day before yesterday, when Dr. Gilman made the suggestion that has finally resulted in these resolutions, as a very strange coincidence that the same idea and the same purpose should have been forming in the minds of Dr. Gilman and Dr. White at the same time. They are life-long friends, almost classmates, I believe, Dr. Gilman being one class ahead of Dr. White and claiming the credit of having properly disciplined him so that his future career has been satisfactory. It gives me a great deal of gratification to say that within the last month preceding this Conference, Dr. White has been giving much thought to a method of promoting correct ideas among the under-graduates of our colleges and universities upon the subject of international arbitration. Dr. White was good enough a short time ago to outline to me the plan that he had conceived for this purpose. He said that competent men, who have given the matter study and who can speak not merely from sentiment, but from investigation and reason, should be sent to the colleges and universities to give not single lectures perhaps, but short courses of lectures upon the history of arbitration and diplomacy and the fruitful results of the same, especially in connection with the history of our own country. To this end he said it would be necessary that there should be some organization for the supplying of such competent lecturers. I have made careful estimates and have come to the conclusion that it would take a considerable sum of money to do this work effectively and quickly; indeed, after the most careful computations, making an allowance for the cost of

administration and the securing of the proper men, I have come to the conclusion that a round million dollars would be a suitable foundation for this work. A million dollars could not be better invested by any philanthropic persons than in promoting precisely this sort of work; and I may add, as Mr. White added to me, without perhaps an undue breach of confidence, "I have a strong hope," he said, "that I will be able to find that million of dollars." There is one thing that I have always observed in Mr. White's career that gives me great hope with reference to this matter, and that is, that his dreams are always practicable and usually come true.

The memorandum presented by Dr. Gilman was then unanimously adopted.

The Conference then adjourned till 8 o'clock in the evening.

Sixth Session.

Friday Evening, June 2, 1905.

THE CHAIRMAN: The Conference will please come to order. The report of the committee which was appointed to consider the matter of a society for the promotion of the study of international law and the establishment of a magazine with reference thereto will now be heard if the committee is ready to report.

JUDGE STINESS: *Mr. Chairman, Ladies and Gentlemen:* In pursuance of the resolution that was offered this morning in reference to the matter of the formation of an American International Law Society, a number of gentlemen who were interested assembled. A committee was formed for the purpose of carrying out the resolution of this Conference. It was appreciated, in connection with what you stated this morning, Mr. Chairman, that there was not a publication in the English language devoted to the great subject of international law. It was further appreciated that the establishment of such a publication would probably do more than anything else that could be done to promote the very purposes of this Conference and to disseminate not only the proper ideas regarding peace and arbitration, but to disseminate instruction regarding the great principles of international law and those questions that lead to differences between nations. Aside from that, it was believed that a journal of this kind, established in connection with the proposed society, would be most useful in stimulating the scholars who are devoting themselves to that subject. Therefore an organization was effected, and the general body that assembled voted that an executive committee, not to exceed twenty-one, which should be a Committee on Organization, should be selected by the Chair. The committee and its chairman have been selected, and the names of the gentlemen will be read presently. There are some members of the committee who are not present here to-day, but assurance was felt that they certainly would accept membership upon this committee. An effort has been made to make the committee national and to have it represent, as far as a committee of twenty-one can do, every important interest devoted to international law. It was endeavored principally to select from among the leading professors of international law in our various universities and from our diplomatists those who have had special experience in international law questions. This committee of twenty-one is simply the nucleus; of course the organization will be enlarged, and in its membership will be welcomed every one who feels an interest in this work in which we are engaged. I will say further that before this Conference adjourns, the secretary of this committee

will welcome the names of any of the gentlemen here, and ladies also, who wish to unite with us and become members of this American International Law Society. I say "The American International Law Society" because it was deemed best to select that name instead of "The American International Law Association" because other international law associations have adopted the latter name. I will now, Mr. Chairman, ask the Secretary of the meeting, PROFESSOR SCOTT, to read the report of what has been done and the names of the Executive Committee.

REPORT OF THE MEETING TO CONSIDER THE SUBJECT OF THE ORGANIZATION OF AN AMERICAN INTERNATIONAL LAW SOCIETY.

Pursuant to a general invitation extended to members of the Conference at this morning's session, twenty-four gentlemen met in the Rock Reading Room at 1 P. M. to-day. Prof. George W. Kirchwey called the meeting to order, and upon motion Hon. Oscar S. Straus was called to the chair, and Prof. James B. Scott was appointed secretary. A motion was made and duly seconded that it is the sentiment of this meeting that an American Society of International Law be established and that a journal of international law be published in connection with, and as the organ of, the said society. The motion was unanimously carried.

A further motion was thereupon made that a committee of organization of not less than seven nor more than twenty-one be appointed by the chair, of which committee the chair should be a member. This motion was likewise carried unanimously. The meeting thereupon adjourned to meet at the call of the chairman.

At 6 P. M. the chairman called another meeting and announced the committee of seven, who thereupon met and elected the remaining members of the committee of organization. The committee is as follows:

JUSTICE DAVID J. BREWER,
JUDGE GEORGE GRAY,
HON. OSCAR S. STRAUS,
HON. JOHN W. FOSTER,
HON. ANDREW D. WHITE,
HON. J. M. DICKINSON,
HON. JAMES B. ANGELL,
HON. W. W. MORROW,
HON. JOHN W. GRIGGS,
HON. J. B. MOORE,
PROF. THEODORE S. WOOLSEY,

PROF. GEO. W. KIRCHWEY,
PROF. L. S. ROWE,
PROF. JAMES B. SCOTT,
HON. EVERETT P. WHEELER,
ROBERT LANSING, ESQ.,
CHANDLER P. ANDERSON, ESQ.,
PROF. GEORGE G. WILSON,
CHARLES HENRY BUTLER, ESQ.,
PROF. JOSEPH H. BEALE, JR.,
PROF. CHARLES N. GREGORY.

Mr. Straus was elected permanent chairman and Mr. Scott permanent secretary and treasurer.

The committee thereupon adjourned to meet at the call of the chair at such time as the constitution and organization of the society might be perfected, or so far completed, as to be ready for submission to the committee of twenty-one.

JUDGE STINESS: The Business Committee, recognizing the fact that international law is so closely allied to international arbitration as to come fairly within the purview of this Conference, recommend the passage of the following resolution:

Resolved, That this Conference regards with favor the movement to establish a Society of International Law in the United States and of an American Journal of International Law, and pledges its earnest sympathy with the aims and purposes of such movement.

The resolution was unanimously adopted.

THE CHAIRMAN: The Conference will now have the pleasure of listening to an address on the North Sea Incident by PROF. JOHN BASSETT MOORE of Columbia University. Professor Moore was Assistant Secretary of State during Mr. Harrison's Administration and is the author of the standard history of arbitration, a monumental work of six volumes, prepared on the authorization of Congress and published by the government.

JOHN BASSETT MOORE,

PROFESSOR OF INTERNATIONAL LAW IN COLUMBIA UNIVERSITY.

On the evening of Sunday, the 23d of October last, a representative of the press called at my house and solicited an expression of opinion as to the probable effect upon the relations between Great Britain and Russia of a rumored attack by the Russian Baltic fleet on a fleet of English fishermen in the North Sea. I naturally asked for details of the alleged incident, but the particulars given were exceedingly meagre, and I confess that I listened to their recital with a feeling of incredulity. Indeed, when I suggested that men of the sea, and especially fishermen, had always had the benefit in the public mind of a certain indulgence on account of their susceptibility to optical illusions, my visitor himself could not repress a smile that betrayed the existence in his own mind of a doubt as to the reality of what he had heard.

And yet, strange as the report at first blush seemed, it was in a few hours confirmed by the most authentic proofs; and, as these proofs came altogether from the side of the victims, the incident wore the aspect of a wanton, malicious attack by men-of-war on peaceful fishermen — an outrage, deliberate and unprovoked.

In any circumstances, such a situation, unless dealt with by both governments in a conciliatory spirit, would have been fraught with the possibilities of armed conflict; but, in the present instance, there were special circumstances that rendered it exceptionally dangerous.

For more than a hundred years there has existed between Great Britain and Russia an enmity which time has served to strengthen rather than to ameliorate. This enmity, aggravated by a clash of interests in the near East, produced about the middle of the last century a great war. The most striking result of this conflict was the transference by Russia of her schemes of aggrandizement or development from the near East to the far East, but only to find herself in the end portentously confronted by her old rival, united by an intimate alliance with Russia's formidable antagonist in the far East, the island empire of Japan.

Nor was this new alliance the only specially disturbing factor in the situation. During the summer of 1904, grave questions, some of which grew out of the restrictions imposed on Russia by the victors in the Crimea in 1856, had arisen between the British and Russian governments. Great Britain had not only refused to recognize as

lawful cruisers certain Russian armed vessels that had issued from the Black Sea, but she had also protested against the claims advanced in the new Russian naval orders with regard to the interruption of neutral trade under an extension of the list of articles classed as contraband.

It was into a situation such as this, tense with suspicion and antagonistic feeling, that the report of the attack on British fishermen in the North Sea suddenly fell. The attack took place early in the morning of the 22d of October, 1904, about an hour after midnight. As witnessed by its victims and reported to the British government, it appeared to be of the most deliberate character. At the hour in question nearly fifty small steam vessels, belonging chiefly to what was called the "Gamecock" fleet of Hull, were engaged in trawling for cod on the Dogger Bank in the North Sea, under the command of their "admiral." All their lights were burning, and they were carrying on their operations in accordance with the international regulations established for fishing in the North Sea. While they were thus innocently engaged, they saw the lights of several steamers approaching. The steamers were standing directly for the fleet and were casting their searchlights on the trawlers. Shortly afterwards, as the first group of steamers passed on, another group approached, using searchlights and making signals; and presently a third group came near, making similar signs. Of the third group, two of the steamers stopped near a trawler called the "Tomtit," and one of them opened fire. The firing then became more or less general, steamers belonging to the second group taking part in it, and continued for ten or twelve minutes. When the firing ceased, two fishermen had been killed and six wounded, while one trawler had been sunk and five were hit and damaged, while others were damaged by shell explosions near them. No relief was offered by any of the attacking warships, although it is said that one remained near the scene about an hour.

A brief report of this deplorable incident was telegraphed to Lord Lansdowne from Hull late on the 23d of October, but the details in authentic form did not reach him till the following day, when without delay he telegraphed instructions to Sir Charles Hardinge, British ambassador, to lay the matter before the Russian government and particularly to point out to Count Lamsdorff, the Russian Minister of Foreign Affairs, the circumstances tending to show that the attack was deliberate or at best "most culpably negligent." Lord Lansdowne stated that the indignation provoked by the incident could not possibly be exaggerated and that this feeling was aggravated by the action of the warships in omitting to offer any help to the stricken fishermen. The matter, declared his lordship, admitted of "no delay." He preferred not to formulate demands till Russia had had an opportunity to explain, but he intimated that nothing less would suffice than an "ample apology and complete and prompt reparation as well as security against the recurrence of such intolerable incidents."

Similar language was used by Lord Lansdowne to the Russian

chargé d'affaires at London. Count Lamsdorff seemed to be almost dumbfounded. He had no information beyond what was furnished by the press reports; but while he expressed confidence that the affair would turn out to have been the result of an unfortunate mistake, he did not hesitate to say that an inquiry would be instituted, that any one found guilty would be punished, and that full reparation would be made to the sufferers.

On Tuesday, the 25th of October, Count Lamsdorff brought to the British embassy a message from the Emperor. Still there was no report from Admiral Rojdestvensky. In the absence of such a report the Emperor declared that he could only consider the affair as an unfortunate accident due to misunderstanding; but in view of the sad loss of life, he stated that he was anxious to express his sincere regrets at the occurrence, and that he would adopt the necessary measures of reparation to the sufferers as soon as a clear account of the circumstances was obtained,

Nearly forty-eight hours had now elapsed since the first report of the attack on the trawlers became public, and the excitement in England was rising rather than falling. Towards midnight on the 25th of October Count Benckendorff, the Russian ambassador at London, repeated to Lord Lansdowne the assurances that had already been given by the Emperor through Count Lamsdorff at St. Petersburg; but this, as Lord Lansdowne declared, was "not enough." Lord Lansdowne, while not undertaking finally to formulate the demands of his government, had intimated to Count Benckendorff that they must embrace (1) an ample apology and disclaimer, (2) the fullest reparation to the sufferers, (3) a searching inquiry as to blame, together with the adequate punishment of any persons shown to be responsible, and (4) security against the repetition of such incidents. As to the first two points, the message of the Emperor afforded an assurance that there would be no difficulty; but as to the other demands, no agreement was as yet in sight, and it was as to these, and especially the question of punishment of wrongdoers, that public feeling in England was running high.

Early on Wednesday, the 26th of October, Lord Lansdowne therefore put himself into communication with Count Benckendorff, and in the course of the morning held with him a frank and impressive interview. In this conference Lord Lansdowne, adverting to the fact that, although Rojdestvensky had made no report, no effective steps had apparently been taken to stop him or to institute an inquiry, begged Count Benckendorff at once to telegraph his government concerning the open points, and significantly observed that if the Russian fleet were allowed to continue its journey without calling at Vigo, in Spain, the two governments might find themselves "at war before the week was over." In this relation Lord Lansdowne called attention to the concentration of the British fleets at Gibraltar and other strategic points, and later in the day he candidly informed Count Benckendorff that, unless the demands with regard to the stopping of the Russian fleet were complied with, it might be necessary to enforce them.

Effective measures were taken by the Russian government to intercept its fleet and to cause it to call at Vigo; and on the 27th of October telegrams were received at London giving Admiral Rojdestvensky's version of the affair. According to this version, two torpedo boats without lights rushed at full speed to attack the leading vessels of the squadron, and it was only after the searchlights were turned on that it was noticed that a few small steam craft resembling trawlers were present. Firing ceased as soon as the torpedo boats had disappeared. The Russian detachment included no torpedo destroyers, and no vessel of any kind was left behind on the scene. The vessel reported to have remained in the neighborhood must therefore, declared Admiral Rojdestvensky, have been one of the enemy's torpedo boats, the other having been sunk; and the Russian ships refrained from assisting the trawlers on account of their apparent complicity. Some of the trawlers did not show their lights for a time, and others not at all.

The first suggestion that the actual or suspected presence of torpedo boats was the immediate cause of the incident was made by the Russian *chargé d'affaires* at London in his interview with Lord Lansdowne on Monday, the 24th of October: but he offered no proof of the supposition beyond vague reports that Japanese subjects had been preparing a torpedo attack on the Russian fleet from English waters. These reports were wholly unconfirmed; and, although Admiral Rojdestvensky now came forward with a positive assertion that he had been attacked by torpedo boats, the testimony of the trawlers wholly discredited the supposition that any such boats were near when the attack on the fishing fleet took place. Under the circumstances, Lord Lansdowne did not hesitate to affirm that Admiral Rojdestvensky's version would not carry with it the slightest conviction in England. He therefore insisted upon full compliance with the British government's demands, but, in so doing, he made a remarkable proposition. He proposed that a full inquiry into the facts should be made by an independent court with an international character, this court to be composed of naval officers of high rank representing the two powers immediately concerned and three others, and to constitute a body analogous to that provided for by Articles IX to XIV of The Hague Convention.

This proposal I have ventured to call remarkable, and for several reasons. It was remarkable, in the first place, because it was in effect an offer of arbitration coming from the aggrieved party. It was remarkable, in the second place, because it was made in a time of great popular excitement, in which the pent-up feelings of an old antagonism were manifest. It was remarkable, in the third place, because the submission it proposed was broader than that which the terms of the convention rendered obligatory. It was remarkable, finally, but not least, as a striking exemplification of the restraining influence of a permanent arrangement for the peaceful settlement of international disputes. [Applause.] Who can say that, if the Hague Convention had not existed, and if the British and Russian

governments had not been conscious of this persuasive force of its obligations, the thought of arbitration would have occurred to either in the midst of such a tumult of passionate emotions?

On Friday, the 28th of October, a proposal for an international inquiry similar to that of Lord Lansdowne, but not so broad in its scope, was made by the Russian Emperor under the Hague Convention. This proposal was apparently made without knowledge of Lord Lansdowne's previous tender. As the result of all the negotiations, Mr. Balfour was enabled to announce, in a speech at Southampton, on the evening of the 28th of October: (1) that Russia, on hearing of the North Sea incident, had expressed profound regret and promised liberal compensation; (2) that the part of the Russian fleet concerned had been detained at Vigo, so that it might be possible to ascertain the responsible officers, who, together with any material witnesses, would not be allowed to proceed with the fleet; (3) that an inquiry would be instituted into the facts by an international commission, and that any persons found responsible would be tried by the Russian government and adequately punished; and (4) that instructions would be issued by the Russian government so as to secure neutral commerce from risk of interference and prevent the repetition of such incidents.

This announcement relieved the crisis, and negotiations proceeded for a final adjustment. A captain, two lieutenants and an ensign were left at Vigo by the Russian fleet in order to appear before the International Commission whenever it should be organized. The point which proved in the later, as it had in the earlier, negotiations to be most difficult was that of punishment. In articles of agreement submitted by Lord Lansdowne on the 31st of October, it was proposed that the International Commission should "inquire into and report upon all the circumstances attending the disaster in the North Sea, and particularly as to where the responsibility for the disaster lies and the degree of blame which attaches to those upon whom that responsibility is found to rest." The Russian government objected to this clause on the ground that it seemed to imply that the inquiry would be confined to the ascertainment of the responsibility of Russian officers. As eventually adopted, the clause provided that the Commission should inquire into and report upon the question of "responsibility" and the "degree of blame attaching to the subjects of the two high contracting parties or to the subjects of other countries in the event of their responsibility being established by the inquiry." This submission was broad enough to embrace all persons who could by any possibility have borne any responsibility for the incident, whether according to the Russian or the English version. The final agreement was signed on the 25th of November, 1904.

The International Commission, composed of admirals of the navies of Great Britain, Russia, France, the United States and Austria, met in Paris, and, after hearing the evidence, rendered on February 25, 1905, its report.

According to this report, Admiral Rojdestvensky had from the

time of sailing taken extreme precautions to meet a night attack by torpedo boats; and these precautions, as the commissioners declared, "seemed to be justified" by the numerous reports received from agents of the Russian government as to apprehended hostile attempts. At Skagen, where he had anchored to coal on the 20th of October, he was warned of the presence of suspicious vessels off the coast of Norway. One of these warnings came from the commander of a vessel coming from the North, who declared that he had seen on the previous night four torpedo boats carrying a single light only, and that at the masthead. These reports caused Admiral Rojdestvensky to leave Skagen twenty-four hours earlier than he had intended. His squadron sailed in several divisions, each getting under way independently, his own division being the last. After the fleet entered the North Sea a Russian transport, called the "Kamchatka," belonging to one of the former divisions, had trouble with her engines and fell behind. This accidental delay perhaps was, as the commissioners found, the incidental cause of the trouble. Toward eight o'clock P. M. on the 21st of October the "Kamchatka" met some unknown vessels and opened fire on them, and at a quarter to nine her commander sent a wireless message to Admiral Rojdestvensky that he had been "attacked on all sides by torpedo boats." According to Admiral Rojdestvensky's estimate, these alleged torpedo boats, then fifty miles to the rear, might overtake and attack him about one o'clock in the morning, and this led him to signal his ships to redouble their vigilance and look out for an attack by torpedo boats. The standing orders of the Admiral on all the ships authorized the officer of the watch to open fire in case of an evident and imminent attack by torpedo boats. If the attack was from the front he was to open on his own initiative, and in the contrary case to refer to his commanding officer. The majority of the commissioners considered these orders to be in no way excessive, particularly in the special circumstances of the case.

Coming down to the time of the attack on the trawlers, the commissioners found that the divisions of the Russian fleet which preceded Admiral Rojdestvensky had signalled nothing unusual. It afterwards became known that Admiral Fölkersam, in command of the first division, had thrown his searchlight on the nearest trawlers at close quarters, and, perceiving them to be harmless vessels, had quietly continued his voyage.

Not long afterwards, the last division, led by the "Souvoroff," Admiral Rojdestvensky's flagship, came near the main body of the trawling fleet, when the attention of the officers of the watch on the bridge of the "Souvoroff" was attracted by a green rocket which was sent up by the "admiral" of the fishing fleet and which in fact indicated, according to regulation, that the trawlers were to trawl on the starboard tack. Almost immediately afterwards, the look-out men, who from the bridges of the "Souvoroff" were scanning the horizon with their night-glasses, discovered "on the crest of the waves on the starboard bow, at an approximate distance of eighteen

to twenty cables," a vessel which aroused their suspicions because they saw no light and because she appeared to be bearing down upon them. The searchlight was turned on the vessel, and the look-out men thought they recognized a torpedo boat proceeding at great speed. Admiral Rojdestvensky then ordered fire to be opened on the unknown vessel; and the majority of the commissioners were therefore of opinion that the responsibility for the firing and its results rested upon him.

Almost immediately afterwards a little boat was seen on the bow of the "Souvoroff." This boat, on being lit up by the searchlight, was seen to be a trawler, and, in order to prevent its being fired upon, the searchlight was thrown up at an angle of forty-five degrees, and the Admiral then signalled the squadron "not to fire on the trawlers." But, at the same time, the look-out men on the "Souvoroff" perceived to port another vessel, which they thought presented the same features as the object of their fire to starboard, and firing on this second object was immediately opened, fire being thus kept up on both sides of the ship.

According to the standing orders of the fleet, the Admiral indicated the objects against which the fire should be directed by throwing his searchlight upon them, and as each vessel was sweeping the horizon in every direction with her own searchlights in order to avoid being taken by surprise, it was difficult to prevent confusion. The fire lasted from ten to twelve minutes.

On the other hand, the Russian cruiser "Aurora" was hit by several shells.

The commissioners unanimously agreed that the trawlers did not commit any hostile act, and the majority were of opinion, the Russian commissioner dissenting, that there were no torpedo boats anywhere near, and that the opening of fire by Admiral Rojdestvensky was not justifiable. The fact that the "Aurora" was hit seemed to justify the supposition that the cruiser, and perhaps even some other Russian vessel, left behind on the route followed by the "Souvoroff" without the latter's knowledge, might have provoked and have been the object of the first few shots. On the other hand, it was possible that certain distant trawlers might have been mistaken for the original objectives, and thus fired upon directly, while others might have been struck by a fire directed against more distant objects. But, even taking the point of view of the Russian version, a majority of the commissioners thought that the firing on the starboard side lasted longer than was necessary, though the same majority considered that they had not sufficient data as to why the fire on the port side was continued. The commissioners, however, unanimously recognized that Admiral Rojdestvensky personally did everything he could to prevent trawlers, recognized as such, from being fired upon by the squadron.

As to the action of the ships in continuing on their way after the firing ceased, the commissioners were unanimously of opinion that, in view of the circumstances of the incident, there was at the cessation of fire sufficient uncertainty as to the danger to which the vessels were exposed to induce the Admiral to proceed on his way.

Nevertheless, the majority of the commissioners regretted that Admiral Rojdestvensky, in passing the Straits of Dover, did not inform the authorities of the neighboring maritime powers that, as he had been led to open fire near a group of trawlers, those boats of unknown nationality stood in need of assistance.

Finally, the commissioners declared that their findings were not, in their opinion, of a nature to cast any discredit upon the military qualities or humanity of Admiral Rojdestvensky or that of the *personnel* of his squadron.

The report of the commissioners has sometimes been criticised on the supposition that this final declaration was inconsistent with the previous finding that the opening of fire by Admiral Rojdestvensky was not justifiable, and on the strength of this supposition it has been intimated that the commissioners were actuated by the desire to avoid the imposition of substantial blame on the Russian Admiral, such as would have required his trial and punishment. It is not improbable that, if the commissioners had been lawyers instead of admirals, they would have avoided any ground for such a surmise. Had they been lawyers, they probably would have brought out more clearly the distinction, which doubtless was working in their minds, between justification in fact and apparent justification. They found that the attack was not in fact justified, and from this finding there arose an obligation to make compensation. But when we pass from the domain of civil to that of penal law, when we pass from the question of making compensation for a wrongful act to that of undergoing personal punishment for it, the element of intent becomes material, and apparent rather than actual justification or excuse becomes the test. The commissioners therefore are not chargeable with inconsistency, because, while they found that the firing was not justifiable, they also held that Admiral Rojdestvensky had not incurred liability to punishment.

After the report of the commission was rendered the Russian government promptly paid the claims for damages, amounting to upwards of £60,000. And thus ended one of the most agitating and difficult controversies to which the process of arbitration was ever applied.

A day or two ago the question was discussed here as to the desirableness or necessity of excluding from arbitration questions of national honor or questions of vital interest; but I venture to say that in this North Sea incident there were involved both questions of national honor and questions of vital interest. Surely nothing can more affect the honor or the interests of a government than the wrongful taking of the lives of its people, especially where they are assailed at the hands of the officials of a foreign power. Not only is the arbitral settlement of the North Sea incident a proof of the growth in the world of a magnanimous and enlightened spirit, but it is to be placed among the great cases in which that mode of settlement has brought peace with honor, to the lasting benefit of the powers immediately concerned and to the great advantage of the whole world.

THE CHAIRMAN: It is great intellectual pleasure, ladies and gentlemen, to have a clear, lucid statement of facts by which public judgment is affected, and I think we owe the thanks of this Conference to Professor Moore for having given us that clear and lucid statement of the facts of the North Sea Incident, upon which we have all been intent for the last six months.

MR. SMILEY: I hope that address will be widely published throughout the country.

THE CHAIRMAN: Five-minute addresses will now be in order under the program for this evening, and the HON. GEORGE H. UTTER, Governor of Rhode Island, will confer a favor by opening the discussion.

HON. GEORGE H. UTTER: When it was suggested to me this noontime that I might be asked to say a few words this evening, I quite naturally asked Mr. Stiness, who suggested the idea, what I would be expected to speak about. He replied: "About five minutes." We immediately had a little arbitration conference, and an agreement was made that instead of speaking "about five minutes," I might make that the time, and my subject might be some impressions gained from this Conference.

This is the third of the Mohonk Conferences that it has been my privilege to attend, although this is the first of which I have ever considered myself as being a part. Yet there are certain characteristics that I have noted as an outsider, and certain impressions that I have gained also as an outsider, to which it may be not unprofitable for me to ask your attention.

The first impression that has come to me from this and other conferences is that in itself this gathering is a wonderful exhibition; that men and women with such varying opinions and thoughts can come from such varying surroundings, and yet meet in friendship and perfect fairness in the discussions here held. Some are radicals, some conservatives, and some hardly familiar enough with the subject to be either, and yet all meet with one purpose and intent,—the purpose to find some ground on which all can stand, and from which all can push toward the same end. The first impression that has come to me, therefore, has been this harmony of interests and harmony of purpose.

The second impression that has come to me is the effect this condition must have on the men and women themselves who attend the meeting. It is not enough that we should come to a meeting of this sort and quietly sit under its influence for a few days, and then go away without a thought other than of what we have enjoyed for the time. If a man who has sat here through the last three days does not go home and be impelled to ask anew of his companions the question asked two thousand years ago, if his heart did not burn within him, that man, it would seem, had lost the full import of this meeting. This impression is not so much what the Conference stands for, as what the Conference is doing for men and women.

You remember in the Tales of a Wayside Inn there were strung together the story of the theologian, the story of the scholar, the dreams of the dreamer, and even the songs of the singer; and how all were held together by a personality that welcomed those travelers on a rainy day, and bade them farewell when their three days' sojourn had ended.

The third impression, and the one which to me is deepest, is that this Conference, and this purpose, and this idea, and this hope that is here embodied, are all held together by the personality of a man who stands at the door when you come in and bids you hail, and who stands at the door when you go out and bids you farewell and a Godspeed. May it be permitted to you, sir, for many years to welcome those who come here annually for this meeting, and for you and those who follow you to give to them the Godspeed and farewell that has been given in the past, which will ultimately make possible, perhaps, or will largely help in making possible, that here upon earth we shall hear the old song of the nativity that was sung by the angels two thousand years ago, "Peace on earth, goodwill toward men."

THE CHAIRMAN: We shall have the pleasure now of listening to the HON. S. UCHIDA, Japanese Consul-General, who resides at New York.

HON. S. UCHIDA: I am introduced to you as Consul-General of Japan, but I must remind you that I have come here not as an officer of the Japanese government, but only as a private individual who is fortunate enough to have been invited by our generous host, Mr. Smiley, in whose assemblies many distinguished men and women assemble annually at this beautiful spot for the cause of international arbitration.

Perhaps you realize that our nation has reason to feel very happy just now. Every Japanese man and woman, young or old, whether at home or abroad, is rejoicing at the outcome of the recent naval battle in the Japanese Sea, and we Japanese in this country feel doubly happy because we are among the people who are so warmly rejoicing at every success of our armies. My compatriots in New York celebrated the victory last night, and they most urgently asked me to stay and join them in the celebration; but instead of attending the celebration, I came here to join you at this Conference because I did not like to break my previous engagement with my friend, Mr. Smiley, and because I thought that I could use my time to a better purpose by attending this Conference for the noble cause of international arbitration. [Applause.] I believe in international arbitration as a method of settling international difficulties. We are rejoicing now at the great success of our armies, but at the same time we recognize that these victories, every one of them, are won at the cost of a great many lives and an enormous amount of money and the terrible sufferings of those who are at the front and their families, on both sides of the belligerents. After all, war is a most

inhuman and expensive method of settling international differences ; but, owing to the present imperfect system of international arbitration, war is sometimes found unavoidable, as in the case of the Spanish-American War and also as in the case of the present war which is still going on in the Far East. In my view, in order to secure permanent peace, universal peace over the world forever, a system should be adopted, under which all nations can be compelled to submit their differences to an international tribunal, which can be enforced by an invincible force in case of necessity ; and the friends of international arbitration should direct their efforts toward devising that system in calling upon the governments of all nations to bring it into effect as soon as possible, so that there may be no war after the present trouble in the Far East is over.

THE CHAIRMAN: MR. CHARLES NOBLE GREGORY, Dean of the College of Law of the State University of Iowa, will now address us.

MR. CHARLES NOBLE GREGORY: I venture to rise for the few moments that are accorded me to speak on the great cause of our meeting, for my new State beyond the Mississippi. You may not know us here. One of my neighbors was in this part of the world not long since, and a lady asked her where she lived. "My home is in Iowa," was the reply. "Yes," said the questioner, "but you know here in the East we *pronounce that Ohio*." I hope, however, that you will allow me to speak for my far-away State in acknowledging the unfailing and generous hospitality which we have received, but which has not been extended to us as individuals, but has been extended to us here as servants of a good cause by one who for years, in the language of Goethe, has led us "upward and on" for the exaltation of peace and humanity. "Peace hath her victories," wrote Milton, "no less renowned than war;" and Talleyrand, I think, quoted this, and I am sure he exemplified it. One of those victories is being won within these walls. Here we sit at ease, and from this mountain-top I hope and pray that voices may go on year by year to the farthest limits of the earth, for no small thing but for a very great thing.

We heard this morning that what we were striving for was not merely international arbitration, but to have in the affairs of the nations what we have in the affairs of individuals, "the reign of law." Here to-day, I hope, has been started a movement to make the law of nations definite and controlling. That law is not always, I hope, to be as indefinite as the older, private law, where the foot of the chancellor was the measure. I hope it is to be clarified and ascertained, and that the little group of men which met to-day in the "Rock Reading Room" and then founded the American Society of International Law, may look back in the future years to the beginning of a great, a noble and enduring work.

The greatest of all things among us is the breadth of sympathy. The beasts of the field care nothing except for their mates and their

young; the savages care nothing except for those of their own little tribes; the half-civilized man cares for nothing except those of his own nation; the ordinary civilized man cares for nothing except for those, it may be, of his own color or race; higher types care for all human beings, and the highest type cares for all that feels! Here in this spot, hallowed by good words and good deeds, we have been lifted up to receive that lesson, and as this mountain stands above the valley, so may this assembly lift up and widen both the hearts and minds of men. May you, our honored host, in the language of the old blessing of the ancient days, "Remain long from heaven," still leading us and still leading others upwards and on in this noble cause, until, like some prophet of old, you see your dream of ordered peace and equal justice take possession of the whole world, as of this company.

THE CHAIRMAN: The next speaker, to whom this Conference always listens with interest, is PROFESSOR BRACQ of Vassar College.

PROF. JEAN CHARLEMAGNE BRACQ: I have the feeling that the friends of law cannot complain that law has not been sufficiently exalted among us to-day and on the preceding days. I have a great reverence for law, and am not like that French lawyer who said that he revered law; he had so much respect for it that he always managed to get round it. I believe in international law, in anything that will bring about its development and knowledge of it; but I believe far more, for our purpose, in the development of international ethics, of sound justice and sound international life, because legal forms for me are lifeless unless they are backed by a just spirit that makes them potent. With law you can always do what the French lawyer did; but when you have a sense of solidarity that binds you with the other people of the world, then you will come to a peaceful settlement of international difficulties. I am one of those who believe that all the higher forces of humanity are working together; that the work of the philosopher, the work of the scientist, the work of the theologian, the work of the artist, the work of the legislator and of the jurist, all help to reach the goal.

I wish to-night to say a few words in reference to what I consider the drift of the best life of Europe, and especially that which I saw during the fifteen months which I recently spent on the other side. The impression which I have brought back is this: Europeans as a whole (except one or two nations perhaps) have now a horror of war. The change in the conception of war is a very great one. We had for a long time the mystical conception of war—that it was a divine instrument, and that frequently war was started by God. Now that is not my conception. My God does not make war; war is made by wicked men generally. Then we have had a scientific apology for war,—the man who laid a good deal of stress upon the different races, the strong and noble races, the superior races which are to be kept noble and superior by war which eliminates the weakest ones; but the latest labors of ethnologists and anthropologists

have revealed to us in an indisputable manner that those doctrines of races to-day are untenable, that men are brothers, and that God made of one blood all the nations of the world. This is not simply the statement of one noble Hebrew who spoke in Athens, but it is the conception of scientists who are dealing with that question. There was also taught the idea that war was a necessary force of the social progress; the great progress of the race was attained through warfare. I am very happy that in my own country at present the newer sociologists, our younger men, are laying stress upon what they call solidarity. Formerly it was taught that strength came from war; now they teach that war is the elimination of the strongest and of the best and of the noblest men. In former times it was thought that a nation in order to be strong must do all that it can do to weaken its neighbor. Now I think that in recent times we have seen, although the old idea still survives, the signs of something better. There are a great many things that I would like to say on this subject. I think that the agreements between my native land and England indicate a new departure. What has taken place under the administration and the efforts of Delcassé, the agreement in reference to Newfoundland and that in reference to Egypt, have been made upon a new basis; the basis adopted by the two governments was, *We must give up the things that mean most for the other*. It was owing to this new international maxim that we were able to settle that many-sided controversy in reference to Newfoundland, in reference to Egypt and in reference to other disputed points. Then it was in a large measure owing to that spirit that we had a series of treaties that were signed by Delcassé and other powers. I wish Dr. Moore, in his admirable address, had recalled the large part Delcassé took in bringing about the arbitration of the North Sea incident. What he accomplished in this instance is probably the best and the noblest work that that noble man ever did.

As a part of the same movement along our side, I wish to say one word in reference to the parliamentary group which is moving like a unit under the masterly leadership of M. d'Estournelles de Constant, who is organizing a great society in France for the purpose of refuting the international calumnies which are published in the French newspapers and for bringing men of different nations together. I wish to say that there is nothing more encouraging than the labor movement in France. At the present time the Radicals or Socialists organized separately are all a unit on the side of peace and arbitration. At the Congress of Rouen every few moments we had telegrams from associations numbering twenty thousand, fifty thousand and one hundred thousand, saying, "Go on, we are with you." It was the same thing in the Congress of Nîmes, which I attended later on. It is not without significance that one Saturday, as I opened one of the Paris newspapers, I saw that there were to be no less than five lectures on peace in different places on that evening in the city. I rejoice that not only in France do we have this great interest, but it exists in Belgium and in that small country which

fills such a large place, Switzerland; it exists in Italy to quite an extent; it exists more and more in all the states of Europe.

THE CHAIRMAN: I am sure we shall all have pleasure in hearing from MRS. EDWIN D. MEAD of Boston.

MRS. EDWIN D. MEAD: Last evening, in talking to one of the most distinguished business men here, I said that I felt we needed the price of two torpedo boats, which is \$500,000, for the peace propaganda. He replied that the money will be forthcoming just as soon as it can be shown how it can be wisely spent. I believe that not only the price of two torpedo boats, but the million dollars which Dr. White says is necessary for the propaganda in the colleges, and much more, can be very wisely spent. Certain people have thought this matter out — not in a vague and hazy way — but with careful estimate of what the time demands. They have practical plans and have just as definite a conception of what should be done as an architect has of a house yet unbuilt. But one woman, in five minutes, at the last session, cannot detail what these plans are. They are so important that I very much hope, if I may venture the suggestion, at the next conference here there will be one whole session devoted to this question of practical propaganda through the country. If it is indeed true that this amount of money can be forthcoming as soon as we know how to spend it wisely, by all means let us devote two or three hours of our precious time here and consider that question, because I can think of nothing which would so efficiently augment the work which is begun here.

Let me give you simply one or two suggestions in regard to what I think might be done even though it cannot be presented adequately in my limited time. First, instruction of the nation through the press. We have a man, a modest man — who is sitting around the corner, just back of one of those pillars, whose work I wish were better known and understood than it is; a man who has done more self-sacrificing work, I think, than any other person in this room; who in feebleness of body and with slender purse has for years carried on an effective work in supplying two hundred newspapers regularly with the best current literature on peace and arbitration which can be obtained. I wish every one knew what Mr. L. A. Maynard has done. [Applause.] When I look at such an audience as this, composed of many who have so much wealth, and who have friends who have large wealth — and am told that sufficient money will be given as soon as it is shown what can be done with it I am moved to cry out at the apathy which thus far has allowed this great work to struggle on so feebly. It seems to me a really pitiful thing that such a man as Mr. Maynard, and certain others, should go on paying even their own postage bills and in their overworked lives giving their leisure time at constant sacrifice, when this money, if it could only be forthcoming, would relieve their anxiety and supply them with means of doing a hundred times what they are doing to-day. We need not only to have such newspaper work as Mr.

Maynard is doing, multiplied twentyfold, but we want to get such splendid articles as our friend here, Rev. Charles F. Dole, has written for the April *Atlantic*, and Prof. Bullock's very valuable article which appeared in the same number of the *Atlantic*, reprinted in leaflet form, and send them to every leading business man in this country. There are many business men who have not time to read the *Atlantic*, but if through the mails such cogent articles as these and such practical suggestions can reach them, they are bound to read and think about them.

We need to employ many other methods of propaganda. The International Peace Congress which has met annually will probably hereafter meet biennially; the next one is to be held at Lucerne, opening on the 19th of September. I am exceedingly sorry that nothing about this very important meeting has been said here. One of the most important matters to be considered is the need of getting a very large representation of the right sort of men and women to go over to attend it and to induce friends traveling in Europe to be present. The second Hague Conference may be called within a year, and the subjects to be presented there need widespread, careful discussion beforehand.

But now some of us feel that in addition to this international biennial congress, there should meet alternately with it in the United States a national congress, following the example which France and England have set; this would meet in the different cities—New York, Detroit, St. Louis, Chicago—and of course would gather chiefly the local people, but also delegations from different parts of the country, and would mightily help to arouse the whole people to the great need of education on world organization, that war may end and the business of the world be uninterrupted. We need a moderate amount of money for that. It cost about \$20,000 to carry through our International Peace Congress in Boston and to publish the proceedings. I think we could have a National Peace Conference once in two years for \$10,000. This would be open to the public, and to it we would invite, among others, such labor leaders as Samuel Gompers and John Mitchell, and thus enable ourselves to get into touch with the great working class, the importance of which Colonel Wright has emphasized. We should at such a Congress discuss many questions which, in the nature of the case, cannot come up here. It is important that the brainiest men of this country should thoroughly consider what is to be our policy in the international questions which are soon to confront the nation, as, for instance, our relation to San Domingo and South America. Those cannot properly come up in a purely arbitration conference like this; but there should be some forum where those questions could be considered betimes, and considered carefully. The whole question of world organization is new and demands careful study. Therein lies the hope of the future.

There is one subject which I hoped might be discussed here, but which has hardly been mentioned; it is neutralization. I hope to

live to see the time when certain danger spots on the earth will be neutralized, just as Switzerland and Belgium are to-day. What better could remove friction between rival claimants of disputed territory? Neutralization, I firmly believe, will play a large part in keeping the peace of the future. All these questions need to be discussed by our people; not merely by those who are especially favored as guests of our gracious host, Mr. Smiley, but by the people who can go and pay their own bills and discuss freely American duties and policies regarding international affairs.

A great deal of instruction should be given in Normal Schools and Sunday School Conventions if the next generation is to be taught what it needs to know about attaining peace through world organization or about the ethics of the new internationalism. Teachers as yet are almost as ignorant as their pupils, for the new facts and new possibilities are not yet taught in many text-books. Lecturers and manuals will cost something. But would it not be the most economic use of money possible to supply them if thereby a new generation can learn how to rid the world of war?

Might not a nation that spends two hundred million dollars annually in national "defence" spend also a little fraction of this sum in helping to make this huge expenditure unnecessary in the future? A country which takes as a matter of course a twenty-million dollar railroad station, a ten-million-dollar hotel, two or three-million-dollar private palaces and half-million-dollar private yachts, and which, in spending twenty thousand dollars on the greatest peace congress ever held, spent only twenty days' interest at six per cent. on the cost of one of its battleships, — ought not such a country to spare at least the price of two torpedo boats to promote the greatest movement of modern times?

THE CHAIRMAN: Among the distinguished foreigners who have favored us by their presence in the Conference is DR. JOSE DE J. PAUL, from Caracas, Venezuela, the representative of Venezuela on the French-Venezuela Claims Commission, which has been sitting in Vermont. Dr. Paul will now say a few words to us.

DR. PAUL: Debtor as I am to Mr. Smiley for his courteous invitation to be associated with the distinguished persons who meet at this Conference, I heartily appreciate this privilege and congratulate myself on enjoying the blessing of hearing the eminent speakers who, with rare talent, deep knowledge of international matters and great devotion to the principle of arbitration, have spread over this gathering the light of their intelligence, awakening in our souls sympathy for the cause of peace and bringing nearer the happy hour when the force of public opinion will cause the nations to bring about the reign of righteousness, of love, of justice and the eternal welfare of humanity.

I regret at this moment more than on any other occasion that my knowledge of your beautiful language is so limited that I find myself unable to express all that I feel in connection with the lofty aims of the Mohonk Lake Conference.

But what I am desirous to say is that on listening to the remarkable speeches that have been pronounced in this meeting, and taking in consideration the work already accomplished by our gracious host, it appears evident that no example in the history of humanity can be compared with so engaging and encouraging an undertaking as this of Mr. Smiley, who moves all hearts by one common sentiment and unites all wills towards one end, the uplifting of humanity throughout the world.

In the past centuries the Knights of the Middle Ages gathered in their castles the subjects of their feudal dominions, and employed all their energies in the pillage and destruction of the property and lives of their neighbors. In our century a man, a Knight of the great Order of Progress and Civilization, invites year after year hundreds of guests, not for any work of devastation, neither to kill anybody, but for the simple purpose of educating public sentiment in the abhorrence of war and the true meaning of freedom and patriotism.

To be such a benefactor, to accomplish in such a manner the commands of right and justice, is to serve well the national honor, is to be more than a king, because these representatives of traditional institutions cannot allow themselves very often the pleasure of entertaining an assembly like this, so beautified and dignified by the presence of many intelligent and respectable ladies, the worthy complement of so many wise and illustrious gentlemen.

I hope very sincerely that the wishes of the members of this Conference may be realized, and that general treaties of international arbitration may be concluded which will not be susceptible of amendment.

THE CHAIRMAN: I have pleasure in introducing HON. JOSE GAMBOA of the City of Mexico, who is a member of the Mexican Senate and of the Permanent Court of Arbitration.

SENATOR GAMBOA: I am indeed very much pleased to be present at this Eleventh Mohonk Conference, in which appears the philanthropic and glorious work of a good and enlightened gentleman, Mr. Smiley. A great work like this is the natural fruit of your great national institutions. This Republic advances so wonderfully that it is the admiration of all the world. Consequently it must hate war and must love peace. Do you know why, gentlemen? Because the women love peace; because the mothers, the daughters, the sisters, that is to say, *the home*, cannot see without grief that men put an end to differences not by reason, but by armed struggle.

The fine French saying, "God wishes what woman wishes," has an appropriate application in this country. Here and only here woman is in her right place. Certainly that is creditable to the American ladies. The excellent English blood has improved through the influence of climate and of liberty, and the education which they receive accounts for the fact that you see in so many American ladies — like the distinguished women who take their places in this hall — beautiful faces and more beautiful minds.

After the speeches of your eminent orators I must take time only to give you my greetings, and to express my interest and the interest of many of my fellow-citizens in Mexico in the cause of international arbitration and peace.

THE CHAIRMAN: It is with pleasure that I now introduce the REV. DR. LEANDER CHAMBERLAIN, president of the Evangelical Alliance and a veteran of the Civil War, who will now address the Conference.

REV. LEANDER CHAMBERLAIN, D. D.,

PRESIDENT OF THE EVANGELICAL ALLIANCE.

Mr. President, Mr. Smiley, Ladies and Gentlemen: With the close of this delightful and important Conference, there comes the realization of what we have here enjoyed:—the incomparable hospitality of our host, the social fellowship, the ennobling sympathies, the breadth of able discussion, the inspiration to high resolves, the confirming of the never-absent confidence that the desired consummation is nearer than when we first believed. We have here stood as on a transfiguration mount. That humanity which God made and loves, and which the Christ embodied and redeemed, has been transfigured to our sight; and once more we have felt how intolerable it is that her glory should be dimmed by international hatreds, and her welfare marred by international strifes. Anew we have seen the vision. Accordingly, I venture that though no tongue of prophet, or harp of psalmist, or song of angel, had been attuned to millennial music, the sons and daughters of God here assembled, would still cherish the millennial faith. Just as sure as man was made in the divine image, and God is over all, will the reign of law be everywhere acknowledged, and the essential ends of justice be secured. Even those who are most disobedient to the heavenly vision are as those who strive with each other on the swift ship's deck. They, too, even while they contend, are borne resistlessly forward, toward the blest haven of love and peace. With you, Mr. President, I desire the utmost hastening of the better day. All of us long to have the cause of "peace with honor" commend itself to all minds, and enlist the loyal affection of every heart. Pardon me, therefore, if I refer to a single respect in which, perhaps, our advocacy of international arbitration may be rendered the stronger, the more attractive. I confess that I am apt to be somewhat perplexed, perturbed, when I attempt to join in an unqualified denunciation of war. Such denunciation appears to me to lack a just, a needful discrimination. Let me illustrate:

Murder deserves the sweeping condemnation which it receives, for murder is definable and is defined as the unlawful, malicious taking of human life. Such an act is always and everywhere to be condemned. But all taking of human life is not, by most good people, so condemned. Doubtless all of us, when the would-be murderer

attacks the sleeping, helpless family, are ready to say: "God nerve the hand and strengthen the arm which is raised to smite the assailant to the death." Similarly, lawlessness is altogether and rightfully condemned. Lawlessness is a flouting of law itself. It aims its frenzied blows at the foundations of civil, social order. It is the denial, the destruction, of civilization itself. Yet we do not condemn all resistance to law. When the statute appears to the reason, the conscience of the citizen to be unjustifiable, a violation of the law of God and the dictates of ethical conviction, we condone the citizen's refusal to obey; we approve his passive resistance; we applaud even his active resistance if the outrage of his sense of right is sufficiently flagrant. On due occasion we ourselves may join in overturning the social and political structure, that so may come the fitting harvest from righteous law impartially enforced. Thus murder, lawlessness and many another monstrous evil are unconditionally condemned; yet full recognition is given to the circumstances, the motives, which may change the otherwise wrongful act into an act deserving praise.

It clearly follows, I judge, that in seeking to win popular approval of international arbitration as the great preventive of international war, we must similarly discriminate concerning war itself. What is war? Undoubtedly its characteristic feature is the battle scene on land or sea. War means the enlistment and equipment of armies and the gathering of naval forces for both attack and defence. It means, in the last resort, the onset of armies, the clash of navies, the groans of the wounded, the silence of the slain; property destroyed, homes devastated, by many a hearthstone Rachel weeping for her beautiful dead and refusing to be comforted because they are not. But, good friends, there are two sides to that awful scene. On the one side there may be, often is, shameful aggression, the relentless greed of the ambitious, the violence of the oppressor, the vengeance of the irrationally angered. On that side war deserves utmost reprobation. The words for its fit characterization must needs "come hissing from the lips of eldest hell." But what of war's other side — the patriot side, the side of freedom and human rights, the side of humanity's self-defence, of civilization's continuance? On that side, as on the other, war means recourse to arms; the cannon aimed to kill; the exploding shell scattering destruction as, from opened palm, the sower scatters seed; the hidden mine; the death-dealing torpedo; carnage and desolation thrice desolate. Yet on that side war is, I venture to affirm, greatly commendable. The necessitating circumstances warrant it, and its motives are lofty and pure. In the name of truth and right, in the just view of God and good men, it deserves approval. So far forth its heroes are heroes indeed, entitled to the plaudits of all lovers of their kind.

Let us, then, for truth's sake, and for the cause we love, make due discrimination in our characterization of war. At the price of painstaking, and at the risk of appearing to some minds to weaken our advocacy of international arbitration as the instrument of

international peace, let us commend the soldier whenever he is the indispensable defender of freedom and right, of fireside and nation, the same time that we unsparingly condemn the insolent aggressor, at the cruel, hateful provoker of war.

On yonder "Sky-Top" I have breathed freely the air of the eternal hills, and I rejoice that in this open, deliberative gathering of patriotic citizens the exultant praise of battles for national preservation, for the defence of human rights, is regarded as neither intrusive nor inharmonious. Said the poet Southey, "There are scenes of tremendous horror which I could smile at by mercy's side." And Milton sings :

Oh how comely it is, and how reviving,
To the spirits of just men long oppressed,
When God into the hands of their deliverer
Puts invincible might ;
To quell the mighty of the earth, the oppressor,
The brute and boisterous force of violent men,
Hasty and industrious to support
Tyrannic power, but raging to pursue
The righteous, and all such as honor truth !
He all their ammunition
And feats of war defeats,
With plain heroic magnitude of mind
And celestial vigor armed ;
Their armories and magazines contemns,
Renders them useless ; while
With wingéd expedition,
Swift as the lightning's glance, he executes
His errand on the wicked who, surprised,
Lose their defence, distracted and amazed.

In such fashion, in such spirit, let us ever labor for the complete ending of war by the complete removal of the just causes of war. Let us do all in our power to encourage, to facilitate an appeal to arbitration in place of an appeal to arms. Let us pray and work for the speedy and utter fulfillment of the prophet's vision, when the peoples "shall beat their swords into plowshares and their spears into pruning hooks ; nation shall not lift up sword against nation, neither shall they learn war any more."

Nor to any of us, I am sure, will it at all matter who wins the final victory or gains the final renown. Our one petition is, "Send by the hand of him whom Thou wilt." We all gladly say with the poet,

Others shall sing the song,
Others shall right the wrong,
Finish what I begin,
And all I fail of, win.

What matter I or they,
Mine or another's day,
So the right word be said,
And life the sweeter made.

Ring, bells in unreared steeples,
The joy of unborn peoples !
Sound, trumpets far-off blown !
Your triumph is my own.

THE CHAIRMAN: A letter has been sent to this Conference, through our honored host, Mr. Smiley, from Andrew D. White, from whom we have already received a telegram in response to our own regret at his absence. I am sorry to say that the letter is too long to be read at this late hour; but it is one which belongs to this Conference and I will hand it to the secretary, with the assurance that it will appear in the printed proceedings of this annual conference at Mohonk Lake.

LETTER FROM HON. ANDREW D. WHITE.

CORNELL UNIVERSITY, Ithaca, New York, May 24, 1905.

ALBERT K. SMILEY, ESQ.,
Mohonk Lake, Ulster County, New York.

My dear Sir:—Greatly to my regret, I am unable to be present at the approaching Mohonk Lake Conference, but trust that you will allow me to make one or two suggestions by letter which I had intended to discuss orally had it been possible.

First, as regards the main service to be rendered in relation to the work done by the International Peace Conference at The Hague in 1899. This service, in my judgment, is to promote in every way the growth of a public opinion favoring and even demanding the use of the Arbitration Tribunal on every possible occasion. The representatives of our country at the Conference exerted themselves more earnestly in behalf of the creation of that tribunal than in regard to any other matter, and no government has since that time been more faithful than ours to the duty of submitting international difficulties to it. It seems to me very important that our entire people be educated to understand the services which such a tribunal may render, and that they make their influence felt whenever opportunity occurs for the submission to it of questions between our own and other countries.

So far, I rejoice to say that the United States, under the administrations of both Mr. McKinley and Mr. Roosevelt, have shown themselves thoroughly appreciative of this new International Court and ready to use it on every suitable occasion.

Secondly, a few simple points should be especially impressed on the public mind. These are that the tribunal already exists, — that a permanent administrative committee, composed of the diplomatic representatives of the various nations at The Hague, presided over by the Netherlands Minister of Foreign Affairs, and having a most competent secretary, is always ready, at a moment's notice, to attend to every sort of preliminary detail, including formal invitations to any powers in difficulty with each other to submit their differences for adjudication; and that an international courthouse, and even a great international law library, provided by an honored American citizen as an outward and visible sign to the whole world of the existence of the court, and as a most convenient and dignified place for its sessions, will ere long be ready for it.

Thirdly, information should also be scattered broadcast that the Hague Conference has also provided subsidiary arrangements for the purpose of promoting peace, — namely, a more practical system of tendering "good offices," a system of "seconding powers," and a system of "commissions of inquiry," — the purpose of each of these three systems being to give time for passions to cool and for right reason to resume its sway in any country which has serious differences with any other.

As to the result of such simple information spread among the people at large, my hope is that whenever demagogues, hot heads, or sensation mongers begin screaming for war, the people at large may quietly answer: "You have an international court, a simple and practical system of convoking it, and a place with all necessary appliances provided for its sessions; we insist that you stop howling about your honor, your interests, or your grievances, and allow these various

agencies for securing peace to be used, and especially that you allow the international court at The Hague to study and decide the real questions at issue.

Closely connected with this, I would suggest the importance of steady work among publicists in developing lines of reasoning which may cause the Senate of the United States to seek most earnestly some way out of the policy recently adopted by it:—a policy which seems, in its present form, almost to render futile the whole arbitration system. On this, too, very fortunately, the present President of the United States is thoroughly with the friends of peace.

In connection with these two things, which ought to be done, let me suggest one thing which ought not to be done, and this is to indulge in illusions and to promote mistaken views regarding the possibility of compulsory or obligatory arbitration regarding all questions which may arise between nations.

Just after the close of the Hague Conference in 1899, there arose critics in various parts of the United States, drawing many after them by eloquent declamations against the Conference, as not having accomplished its plain duty,—that duty being, as declared by these critics, not merely to provide for permissive arbitration, but to insist on obligatory and even compulsory arbitration regarding all international questions. Let me say here that, while there is a strong probability that at some future time obligatory arbitration in regard to a considerable number of questions of importance may be brought about, no nation represented at The Hague in the past, or likely to be represented there in the future, will ever adopt universal obligatory arbitration on all questions. I may add, still further, that, in my opinion, it is undesirable that such compulsory or obligatory arbitration be adopted, even if it were possible.

To say nothing of other reasons for this opinion, there is one which must appeal to every thinking friend of peace, namely, the fact that obligatory arbitration, if it be intended for anything more than a delusion and a snare, means the establishment of greater standing armies than any of those from which the world is now suffering. It is almost impossible to conceive armies large enough to enforce the decisions of any international tribunal between such powers as Russia and Japan, on various questions which have arisen in the East; between France and Germany, in matters relating to Alsace and Lorraine; between the Balkan States and Russia, Austria and Turkey, between Turkey and Greece, and between the United States and one or more of the great European or Asiatic powers, should questions involving religious, political and strongly national feelings arise between them. To merely state the case is to show the impossibility of obligatory arbitration. All work done in behalf of such arbitration will not merely be work thrown away, but work which may finally discredit the system already adopted, with all its possibilities of great good to the world. But, while universal obligatory arbitration is clearly impossible, obligatory arbitration in a restricted but still very important field may well be sought for. The original Russian proposal to the Hague Conference regarding international arbitration would form an admirable basis for such work. Article X runs as follows:

“From and after the ratification of the present treaty by all the Signatory Powers, *arbitration shall be obligatory in the following cases*, so far as they do not affect vital interests or the national honor of the contracting States:—

“I. In the case of differences or conflicts regarding pecuniary damages suffered by a state or its citizens, in consequence of illegal or negligent action on the part of any state or the citizens of the latter.

“II. In the case of disagreements or conflicts regarding the interpretation or application of treaties or conventions upon the following subjects:—

“(1) Treaties concerning postal and telegraphic service and railways, as well as those having for their object the protection of submarine telegraph cables; rules concerning the means of preventing collisions on the high seas; conventions concerning the navigation of international rivers and interoceanic canals.

“(2) Conventions concerning the protection of literary and artistic property, as well as industrial and proprietary rights (patents, trade-marks and commercial names); conventions regarding monetary affairs, weights and measures; conventions regarding sanitary affairs and veterinary precautions and measures against the phylloxera.

"(3) Conventions regarding inheritances, extradition and mutual judicial assistance.

"(4) Boundary conventions or treaties, so far as they concern purely technical and not political questions."

A very encouraging point in the history of arbitration is that the Conference seemed entirely ready to adopt this plan of obligatory arbitration, virtually to the extent given above, and that it was dropped only when Germany and, following her lead, Austria and Italy insisted on its rejection as a condition to their signing the arbitration treaty which was finally adopted. Another encouraging feature is the fact that, of these three powers, Austria and Italy were strongly in favor of adopting this restricted obligatory arbitration, and refrained from doing so only on account of their supposed duty to stand by their ally in European matters. Nor did the objections of Germany appear to be based on any close reasoning or invincible prejudice. It seems to have been in consequence of a temporary feeling rather than of any adhesion to a principle or deep-seated conviction.

I have stated that the Conference seemed entirely ready to "*virtually*" adopt the plan, the fact being that one clause was stricken out by the delegates from the United States, namely, that concerning the navigation of international rivers and interoceanic canals, this fact being due to a fear that the clause might embarrass our country in its efforts to secure a canal across the Isthmus of Panama.

Here, then, may be an opportunity to bring in a system of obligatory arbitration within limits which the whole world will accept. It should receive the earnest attention of publicists preparatory to discussion in the next Hague Conference.

So much for matters which relate to a fruitful enlightenment of public opinion regarding the work already done.

And now as to some additional things which we may hope to see done by future conferences. First of these, I would mention the virtual application to war on the high seas of the laws regarding private property not contraband of war which are now observed in war on land; that is to say, that all private property on sea, except what is defined by the approaching conference as contraband of war, shall be exempt from seizure by the belligerent parties. Ever since the beginning of our national history the United States has stood for this policy. From the first great treaty between the United States and Prussia, in 1785, which consecrated this doctrine, our government has earnestly labored, on every suitable occasion, to urge it upon other nations; but as yet, unfortunately, without great success.

At the Hague Conference of 1899, under instructions from Washington, the American Delegation did its best in urging the adoption of this principle; but, in view of the fact that the rules of the Conference forbade the discussion of any subjects except those mentioned in the original proposal from Russia, it was impossible to have it effectively dealt with. One thing of value was, however, accomplished, and this was that a unanimous resolution of the whole body was obtained recommending the subject to the next international peace conference for full discussion.

At the next Conference, though it is hardly likely that this American principle will be accepted, a discussion of the merits of the whole question should be had. Germany, Austria-Hungary, Italy, The Netherlands, and various other powers are strongly in favor of the principle already; Great Britain, France and Russia are not. Still opinion in England, judging from the utterances of recent leading writers on international law, is tending toward the American view, and probably Russia, should her alliance with France become less intimate, would draw toward our side in this discussion. At any rate, international discussion of this question would hasten the day when the most needlessly destructive thing permitted in modern warfare may be done away.

Yet another subject, perhaps more important than the foregoing, in many ways, is the adoption of an international code in regard to the rights and duties of neutrals. On many accounts this is probably the most fruitful of all subjects for discussion which can now be brought forward. It is greatly to be desired that thought be aroused on this subject among all who make international law a study, and that the public at large be enlightened as to the value of a neutrality code in the interest of international justice and peace. I need hardly point out the fact

that unsettled rules regarding the rights and duties of neutrals at this moment are causing great uneasiness, since they are giving us occasion to fear the drawing of great European powers, up to this time peaceful, into the vortex of the terrible conflict now going on in the East.

There are also other important questions on which discussion might well be promoted. First, further study of improvements in the laws of war, which may yet be evolved out of the work already done by Francis Lieber during our own Civil Conflict, by the Brussels Conference in 1875, and by the first Hague Conference in 1899. Next, a blessed work might also be done in an improvement of the rules requiring and governing mercy to the wounded on land, evolved at Geneva in 1884, and extended to warfare on sea by the Hague Conference in 1899. These rules might now receive still further development for land and sea in the light of the war now going on in the East. While concurring, as to all other matters, in the excellent article by Professor Woolsey of Yale, published in the *Outlook* for April 29, I must dissent from his idea that anything occurred during the Hague Conference which would make it difficult or even awkward for a new Conference to take up the general subject of the Geneva rules and to go on with their development. Naturally, Switzerland, under the resolution of the Hague Conference to which he refers, would be given an honorary charge of the matter: but there need not be the slightest difficulty in taking the rules as they stand, together with any improvement which has been or may be suggested by Switzerland, into discussion by any future conference. This opinion of mine is based upon my full remembrance of the discussion in the Hague Conference of 1899 and of the action of the American delegation upon it, to which Professor Woolsey refers.

And here I would especially commend Professor Woolsey's suggestion that the time has arrived for a special study and discussion of the rights of neutrals as regards the use of contact mines anchored in a traveled seaway, and as to dealings with telegraphic cables and with certain features in the use of wireless telegraphy. Whether or not any striking results be arrived at in the approaching conference on these points, their discussion would be certainly useful.

And finally, as to one point regarding which many people have supposed that the Hague Conference of 1899 made a fiasco, namely, as regards a limitation of the armaments of the great nations. The simple fact was that Russia, in putting this subject forward, as she did, omitted to make any adequate preliminary studies. Even to initiate any proper discussion of such a limitation of armaments, a great mass of statistics, intricate mathematical calculations and a vast deal of close thinking will be requisite. The great committee to which the matter was specially referred did their best in the absence of such bases for discussion, but all in vain. The result was that, although a limitation of armaments was one of the two leading things apparent in the Russian proposal which brought on the Conference, the whole effort to this end came to a complete collapse.

So, too, with the Russian proposal for the restriction of inventions of new means and instruments for carrying on war. That also failed, under the influence of an argument suggested by the common sense of the great body of delegates, to the effect that improvements in the art of war had steadily increased the dread of war, and were therefore conducive to peace. This view will probably be equally effective with the approaching conference.

In regard to the first of these two last-named matters, the United States will probably, in any future conference, as in that of 1899, abstain from taking part in the discussion, since the limitation in the size of armies concerns Europe entirely and not ourselves, the American system requiring armaments on a scale much smaller than that usual in Europe. From this condition of things results the argument which led the United States delegation, in 1899, to refrain from taking part in the discussion of the limitation of armaments, since meddling in it would simply be contrary to the established American policy of not interfering in questions between foreign powers.

As to provision against new inventions or using any new results of invention, undoubtedly the same instructions which were issued by Mr. McKinley's administration to the American delegation in 1899 would be repeated by any future administration.

There are various other considerations which occur to me regarding the discussion which you kindly asked me to initiate at Mohonk Lake next week, but these I have now given seem to me those of most importance, and, trusting that other gentlemen will develop and discuss at your meetings not merely the points I have suggested, but others which may be presented, I remain, my dear Mr. Smiley,

Most respectfully and sincerely yours,

ANDREW D. WHITE.

THE CHAIRMAN: I have pleasure in introducing to the Conference HON. JOSEPH B. MOORE, Chief Justice of the State of Michigan.

HON. JOSEPH B. MOORE: *Mr. President, Mr. Smiley, Ladies and Gentlemen:* Three years ago last autumn, in the manufacturing centres of the country, the wheels of industry were stilled. Into the homes of the poor discomfort crept, and the homes of the rich were threatened with suffering because of the absence of one of the great necessities of life. This situation came out of the differences which had arisen between the owners of the mines of the country and their employees. As cold weather approached the condition became intense, and men and women held their breath, wondering what would happen. Years before that, because of his learning and great ability, the President of the United States had appointed one of the distinguished jurists of the country to the high office of Judge of the Third Judicial Circuit of the United States, a man who, in the discharge of that duty, won the respect of the people of the country generally. And when the question "What next?" was propounded, at the time of the coal strike, the President of the United States, in looking about, wondering how this difficulty might be settled, suggested the names of three men to constitute a commission, who, the moment their names were mentioned, so commanded the respect of the owners of the mines and the employees alike, that very soon the condition which confronted the country was relieved, and what threatened to be a period of great misery and discomfort disappeared. Because of the manner in which these three men discharged the duties which came to them in that critical period, they won the respect and the affection of the great American Republic. Great as had been the work done by one of these distinguished jurists in the ordinary and legitimate cause of the work which came to him, no service which he had ever performed was so worthy of appreciation and gratitude as the manner in which, as chairman of that Commission, he brought that trouble to an end. The people of America owe to Hon. George Gray of Wilmington, Del., a great debt of gratitude! [Applause.]

Governor Utter spoke of the fact that men and women had come to this Conference from all sections of the country, entertaining divers views,—some of them radicals and some of them conservatives,—but as the result of these sessions most excellent results have been worked out. That is due not only to the fact of the character of the men and women who are assembled here, but it is due very largely to the power and efficiency with which the deliberations have

been guided. I desire to present, as an expression of my feeling at least with reference to this matter, the following sentiment :

"The members of the Eleventh Annual Mohonk Conference on International Arbitration, recognizing the great debt they owe to Hon. George Gray for the sympathetic, impartial and efficient manner in which he has presided over their deliberations, do express to him their sincere thanks."

MR. SMILEY: I move the adoption of that resolution.

JUDGE MOORE: Because our presiding officer is as modest as he is wise, I put this motion to you. As many of you as are in favor of it will say "Aye".

There was a unanimous and hearty response of "Ayes."

THE CHAIRMAN: I will now call upon REV. CHARLES E. JEFFERSON of the Broadway Tabernacle, New York City.

REV. CHARLES E. JEFFERSON: I should like to offer the following resolution :

Resolved, That the members of the Eleventh Mohonk Lake Conference on International Arbitration express to Mr. and Mrs. Albert K. Smiley and Mr. and Mrs. Daniel Smiley our gratitude for their gracious hospitality and for giving us the privilege of discussing again in their mountain home the great problem of the world's peace.

It must be fearfully monotonous, Mr. Smiley, for you to receive so many expressions of thanksgiving, and I have no doubt you would gladly dispense with this part of the evening's program. It must be irksome, I should think it at times terribly wearying, to be told again and again, year after year, what a wonderful man you are, what a beautiful place this is, what a superb flower-garden you have, what splendid roads you have laid out, what magnificent views you have made possible, and what a stupendous work you are doing in the shaping of this mountain and in the moulding of the hearts of men! I do not want to say a word about any of those things. I wish simply to remind you that if you have your rights, so we also have ours; and if it is your privilege to open your door and to tell us to come in, it is our privilege to feel grateful. There are a lot of things you can do, but there is one thing you cannot do: you cannot stop the flowing of the fountains of the heart; and so long as benefactions are bestowed, the utterance of thanksgiving will be heard, for out of the abundance of the heart the mouth must speak. Therefore, since you have given us so many things, please give us one thing more—the privilege of saying simply and unitedly: "Thank you!"

MR. SMILEY: That is the sort of closing exercises I have been waiting for for years. Well, I want to say, Thank you for your kind words and thank you especially for having them short.

I want to thank you all for coming here. If you did not respond to our invitation we could not have a Conference; so that we are under obligation, and we feel it; we know it is not easy for busy

men to leave their business at home and come, frequently under great stress, and spend two or three days here. We have had this year a remarkable assembly, an assembly such as we never had before in this house. When these conferences began ten years ago they were smaller, but we are steadily gaining. My brother is just as much interested as I am, and he has three boys. [Applause.] We do not expect the millenium to come in my lifetime, nor in the lifetime of my brother,—possibly not in the lifetime of his boys; but these conferences will probably continue. We are so planning, and have enlarged this house so that we can take good care of the people who come to the conferences.

We want very much indeed to get foreign representatives, and for this we must rely upon the members of the Conference. We want prominent men from European countries and elsewhere, and if you will help, we can get more of them. I am greatly gratified to see the number of distinguished men who are here at this Conference; never so many before. We formerly had great trouble even to get a brief notice in the newspapers, but this year a large portion of the newspapers are publishing excellent reports. They tell me that many of the speeches are published in full. I think that is going to continue.

I am especially pleased with the work of the business men. I think it is remarkable that seventy or eighty business organizations, most of them among the leading business bodies in this country, have recognized the work done here and are holding meetings, appointing committees and doing a splendid work. That is one of the best things that has been accomplished in the last two or three years. We also have now started a movement in connection with the universities and colleges. I am greatly pleased at the prospect of bringing colleges into this work. I think that movement is a very important one and should extend to the schools of the country. If you teach young people, you will realize your purpose in time. If you get them interested in arbitration, it will come. With the aid of the business men and the students in our colleges and schools, if they are properly taught, arbitration will be adopted in this country by all men. That is certain. I hope to live to see the day when the Court at The Hague becomes of more importance—a fixed body of distinguished men with high salaries, always on hand, with the sign out: “Here we have a court for you all!” I hope to live to see a congress of nations, with limited powers, that is, advisory powers at first, establishing international justice, determining the rules by which nations in their intercourse with one another shall be regulated. Such a congress, if established, will soon grow into a more permanent organization, like our own National Congress. That is the future, but it is coming. There has been most wonderful progress in this country in regard to arbitration. The idea seems to be in the air—everywhere—and I believe that we shall soon see still greater things. I must not prolong my remarks, as it is getting late. But have n’t we had a good Conference? [Applause.]

THE CHAIRMAN: Now, ladies and gentlemen, this simple resolution of thanks, stripped of all effusive or hackneyed expression, which Dr. Jefferson has so successfully kept out of what he said, is before you, and in submitting it for your approval, I will ask you to signify that approval and emphasize it by a rising vote.

Every one arose and the resolution of thanks was unanimously adopted.

MR. SMILEY: We will close the Conference by singing "God be with you till we meet again", and the benediction by Dr. Chamberlain.

The Conference then adjourned.

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